Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

NO. _____

SUPRME COURT OF THE UNITED STATES

IN THE PETITION OF SALVATORE MORETTI

PETITION FOR WRIT OF PROHIBITION

SALVATORE MORETTI,
Petitioner

- v. -

LOUIS J. DINICE, J. M.C.
Respondent

Salvatore Moretti
390 Park Street
Hackensack, New Jersey 07601

78 pp

QUESTIONS PRESENTED FOR REVIEW

1. Has Louis J. Dinice, Municipal Judge of Hackensack, New Jersey, shown utter disregard for the laws of the State and of the United States by citing petitioner for building code violations and failing to summon to court the perpetrators of the leasehold violations which caused the code violations - residents/guests at the apartment house owned by petitioner, noted in the writs of mandamus pending in the U. S. Supreme Court, In Re Salvatore Moretti v. Eugene H. Austin, Docket No. 95-2045, and In Re Salvatore Moretti v. Peter D. Pizzuto, Docket No. 96-249?

2. Has Hackensack Municipal Judge Dinice failed to recuse himself in a matter in which he has a direct conflict of interest wherein he admits through his attorney that the only thing he is concerned about is "where your assets are so I can send a Federal Marshall to levy against you - to get $1,600.00?" (App. 41)

3. Why has the Hackensack Municipal Court failed to issue violations against the tenants causing the damage as required under the N. J. Hotel and Multiple Dwelling Code Sect. 5:10-5.1 & 5.5 - "every occupant shall be liable for willfully or maliciously causing damage to any part of the premises...?"

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LEGAL ARGUMENT

DESPITE THE PENDENCY OF TWO PETITIONS BEFORE THE UNITED STATES SUPREME COURT, INVOLVING THE APARTMENT HOUSE PROPERTY UNDER PETITIONER'S CONTROL, DOCKET NO'S. 95-2045 AND 96-249, THE HACKENSACK MUNICIPAL COURT HAS DOCKETED TWO COMPLAINTS AGAINST PETITIONER, KNOWING THAT THE COMPLAINTS WERE UNFOUNDED AND MISDIRECTED, AND IMPOSSIBLE TO PERFORM WITHIN THE TIME REQUIRED.

Petitioner delivered a Notice to the municipal court of Hackensack, New Jersey on August 2, 1996 (App. 7), appended to which were sixty-three pages of documents. At Pg. 11-17 was a Notice to Cease leasehold Violations, and a Notice to Termination of Leasehold Violations appeared at Pg. 22-23. Both these documents pre-dated the citations (App. 2 & 3) subject of this petition.

Among the appended documents (at pg. 45) was a Special Civil Part case involving a suit for back rent amounting to $3,862.65 - this money had been paid

into court by a tenant who has since been evicted The suit for return of the money has yet to be heard by the Special Civil part of the Superior Court - the Landlord-Tenant court in New Jersey.

Attached at pg. 61 to the August 2, 1996 letter to the court (shown in the attached Appendix at App. 7) is a two page letter dated June 28, 1996 to Judge Jonathan Harris, Special Civil Part of Bergen County, stating that two one-month notice provisions provided for holdover tenancies was complied with as set forth in the 1995 edition of the N. J. Practice Series, pocket part p. 219 Landlord-tenant volume, but that the judge's request for an additional notice delayed both the ending of leasehold violations and the re-renting of the apartment.

Attached at pg. 35 was the following notice to the Hackensack Division of Property Maintenance: "attempting to do emergency repairs, I noted that flooding in the cellar was caused by main sewer line back-up. There were over twenty such back-ups and I was required to pump out the cellar twenty times (over 2,000) gallons of water being pumped out each time). No plumber will hang around four

hours to pump out your cellar. This water caused walls to weaken... which require that I do repairs ...On June 1 to 7, 1996, I worked on one pipe which was so clogged it broke three electric snakes and burned out an electric drain snake. When a 1/2" snake was placed in the drain, it failed to open the drain after it ran the pipe three times, and the snake's leader and head were both split prior to the drain's finally opening. Four hundred dollars of chemical had been (wasted) to open the main sewer drain."

At pg. 38 there was appended an April 24, 1996 contract with the Hackensack Roofing Company for roof repairs charging $2,500. A $500 down-payment was given this company. Nevertheless, petitioner received the citation at App. 3 stating that the repairs had not been completed. In fact, the adjacent land owner, the Gentile funeral parlor, erected a face around its property, and padlocked the entry, thereby preventing access to the house at 390 Park Street - the house whose roof was to be repaired. Apparently, this funeral home was allowed to operate its business in a residential zone, and in doing so erected the fence which is within three feet of the roof line. Since the house cited

within is two stories high, and there is an over-hang, a ladder cannot be erected straight up with the carrying of four feet by eight foot 5/8" plywood required to rebuild the roof. The city, knowing this, cited petitioner anyway.

The parking of abandoned cars by tenants/guests at the apartment house has produced many notices from Hackensack. Petitioner, in notifying all tenants, discovered that no one admitted owning any of the unregistered vehicles. The city police department has refused to ticket any of the cars parked at lot 24 by either the Gentile or Gutterman funeral parlors, causing the very problem which they seek to solve by their notices

Knowing full well that tenants/residents were damaging their apartments in order to seek rent reductions from the Special Civil Part - the presiding judge - Austin - is subject of petition 95-2045, the Hackensack municipal court has sought to act in conjunction with the state (App. 2, 3, 6) in citing petitioner for building code violations. In view of the caustic remarks recorded in the transcript shown at App. 30-48, it appears clear that a conflict of

interest has precipitated these citations being filed. Further, the failure of the city to provide a tax assessment reduction has been treated in an additional petition to the Supreme Court, No. 96-249.

CONCLUSION

The municipal court of Hackensack should not have allowed for the complaints herein to be docketed, given the pendency of the cases before the Superior Court of New Jersey and the Supreme Court. This court should be prohibited from hearing these matters until the pending tax matters have been duly adjudicated, due to the economic hardship involved.

Date: August 20, 1996

Respectfully Submitted - Salvatore Moretti

MUNICIPAL COURT OF HACKENSACK
STATE OF NEW JERSEY

SALVATORE MORETTI,
Petitioner

v.

LOUIS J. DINICE,
Respondent.

MOTION FOR LEAVE TO FILE PETITION
FOR WRIT OF PROHIBITION

Salvatore Moretti
390 Park Street
Hackensack, New Jersey 07601

Petitioner Salvatore Moretti moves the Court for leave to file the attached petition for writ of prohibition, and for an order directing the Honorable Louis J. Dinice, Judge of the Municipal Court of the City of Hackensack, State of New Jersey, respondent, to show cause why a writ of prohibition should not issue against him in accordance with the prayer in the attached petition and why petitioner Salvatore Moretti should not have such additional relief as the within cause of action may require.

August 20, 1996

Salvatore Moretti
390 Park Street
Hackensack, New Jersey 07601

App. 1

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

NO. 95-5754

MORETTI VS. DINICE.

Salvatore Moretti, Appellant
(New Jersey District Civil No 93-cv-0528)

ORDER

Pursuant to Rule 3(a) of the Federal Rule of Appellate Procedure and Third Circuit LAR Misc. 107.2

It is ORDERED that the above entitled case is hereby dismissed for failure to timely prosecute;

It is FURTHER ORDERED that a certified copy of this order be issued forthwith as the mandate.

For the Court,
Clerk of the Court

Date: June 28, 1996
cc: Salvatore Moretti
Robert Zimmerer, Esq.

App. 2

Municipal Court of Hackensack
County of Bergen. Docket No. 96-2057

STATE OF NEW JERSEY Case S010130
- vs -
SALVATORE MORETTI

Defendant/Alias: Salvatore Moretti
390 Park Street
Hackensack, N. J. 07601
Number of Co-defendants -
Complainant: Inspector Charles Eyer of the Hackensack Fire Headquarters, Upon oath says that to the best of his knowledge information and belief, the named defendant on or about the 25th day of July, 1996, in the City of Hackensack, N.J. 07601, County of Bergen, did; within the jurisdiction of this court and after due notice from the City of Hackensack fail to remove electrical cords in apartments, and remove or properly wire light fixtures in apartments and finally fail to pay $300 penalty, contrary to provisions stated in State of N. J. Uniform Fire code 5:18-2.12, #515, 18:3.3 A ivii viii of Municipal ordinance 27-90 known as the Fire Prevention code of the City of Hackensack
Subscribed and sworn before me this 26 day of July, 1996.

App. 3

Municipal Court of Hackensack
County of Bergen. Docket No. 96-1998

STATE OF NEW JERSEY Case S913084
- vs -
SALVATORE MORETTI

Defendant/Alias: Salvatore Moretti
390 Park Street
Hackensack, N. J. 07601

Number of co-defendants -

Complainant Julie Ferenczi of Community Affairs, upon oath says that, to the best of her knowledge, information and belief, the named defendant on or about the 17 day of July 1996, in the City of Hackensack, County of Bergen, did: within the jurisdiction of this court did fail to after due notice repair/replace roof east and south sides, repair facia/soffit at roofline scrape and repaint peeling, chipping wood surfaces showing rapid deterioration and decay contrary to chapter 3, section P, 30.0, paragraph 304.1 of Mun. Ord. 1-96 known as property maintenance code, Subscribed and sworn to before me this 19th day of July, 1996.

App. 4

HACKENSAK ROOFING CO., INC.
83 FIRST STREET
HACKENSACK, N.J. 07601
-8947-

Sal Moretti, Aril 24, 1996. The Hackensack Roofing Co. Inc. as the Contractor, agrees to furnish all materials and labor necessary for the work (specified below) on the premises located at No. 390 Park St., Hackensack, N. J. Remove all old shingles and shakes upper south side only install 5/8" plywood deck apply #15 felt and re-roof with GAF Royal Sovereign shingles (charcoal)

Total Cost: $2,500
Down payment 20% $500
The undersigned6 property owners agree upon completion of said work to pay the BALANCE $2,000.

In witness Whereof the undersigned have hereunto subscribed their names the day and year first above written.
Hackensack Roofing Co.,
and (s) Salvatore Moretti

App. 5

STATE OF NEW JERSEY - SUPEROR COURT OF NEW JERSEY, LAW DIVISION, SPECIAL CIVIL PART, Bergen County Small Claims, Bergen County Court House, 10 Man Street, Hackensack, New Jersey 07601. Phone: 646-2240 or 646-2236. Civil Action - Complaint

From Plaintiff: SalvAtore Moretti, 390 Park Street, Hackensack, NJ 07601 (201) 646-1414.

to Defendant Luis Fajardo, 391-C Park St. Hackensack, NJ 07601. $300.00 plus costs. Tenant Luis Fajardo in apt. 391-C Park St., caused speaker wire to be erected in apt. wiring up electric lights and hair dryer, resulting in filing by City of Hackensack violation notice. Illegal wiring must be removed and landlord Moretti seeks $300.00 due to court appearances, and failure of tenant to respond to Notice to cease and notice to correct violations. Date: 7/29/96. Plaintiff (s) Salvatore Moretti

App. 6

INSPECTION REPORT AND ORDERS OF THE COMMISSIONER. REGISTRATION NO 0223-07261-0. APT. 10. INSPECTOR FERENCZI. DATE ISSUED 5/13/96. BUILDING 0223. DATE RE-INSPECT. 7/13/96. PARK CT APTS BLDG. 1, 391 PARK ST., HACKENSACK. BLDG. NO. 1 OF 2 PLEASE take notice that the inspections conducted by the New Jersey Bureau of housing Inspection at the premises noted above disclose that violation exist at said premises in contravention of the Hotel & Multiple Dwelling Law and the "Regulations for the Maintenance of Hotels and Multiple Dwellings" promulgated thereunder. You are hereby ORDERED by the Commissioner to comply with the following orders and you are hereby ORDERED by the Commissioner to abate all the violations listed below by the date of reinspection listed above. Failure to comply with this notice and the Orders of the Commissioners will subject you to a penalty levied by the Department of Community Affairs in accordance with the provisions of the Hotel and Multiple Dwelling Law. (P.L. 1967, C76 as amended and supplemented: N.J.S.A. 55:13A-1 et seq.

Commissioner of Community Affairs: (s) Curtis F. Watts, Bureau of Housing Inspection

App. 7

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, EW JEREY 07601
(201) 646-1414

August 2, 1996
Clerk
Hackensack Municipal Court
Hackensack City Hall
65 Central Avenue
Hackensack, N. J. 07601

Henry J. Amoroso
Hackensack City Prosecutor
Nowell, Mattia, et al.
155 Polifly Road
Hackensack, N. J. 07601

re: State of New Jersey v. Salvatore Moretti, Docket No. 96-2057; State of New Jersey v Salvatore Moretti, Docket No. 96-1998

Dear Clerk of the Court & Municipal Prosecutor:

Be hereby advised that I received notices regarding the above two captioned complaints. I require discovery as to the nature of the complaining witnesses to be offered against me in these two municipal

matters. Kindly provide me with the bases upon which these complaints were filed, in particular the allegations of the Hackensack Fire Department and Ms. Ferenczi.

I have appended sixty-three pages of material related to these complaints, which show that there are conflicts of interest in the municipality's filing these complaints. I have notified you that I do not view notices sent to me proper when the problems complained of relate to leasehold violations committed by my tenants or guests of my tenants within their rented apartments. For example, one complaint relates to the tenant failing to maintain his or her smoke detector within his/her apartment. Clearly, the lease requires that the tenant maintain his/her own living space within his/her apartment and that he/she should not suffer waste within their apartment. The waste complained of is intentional misconduct by tenants despite my demands that they cease violations.

I have appended various complaints heard by the Superior Court in Bergen County, in which tenants have committed waste in and about their apartments. It is improper for me to be responsible for the derelictions of tenants

I have also appended excerpts of a deposition conducted by a lawyer for judge Louis Dinice, which clearly shows that there is an attempt by the judge to collect money from me, in a case relating to violations of my civil rights. In fact, I am currently suing the city police department in the United States Supreme Court, so it appears that many conflicts exist in the municipal trial within. I have appended the complaint I filed therein in which Judge Takvorian sitting as Hackensack Magistrate considered the matter involving Beverly Freeman and her complaints against me filed with the police department.

As you will note, the roof repair matter has been addressed in that I have contracted with the Hackensack Roofing Co. (App. 38) which informs me they have thirteen crews busy, delaying the commencement of work. They have already cashed my deposit check, and they have delivered materials to the front lawn.

Very truly,
(s) Salvatore Moretti
enc. 63 page APPENDIX

App. 10

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, EW JEREY 07601
(201) 646-1414

August 19, 1996

Clerk
Hackensack Municipal Court
Hackensack City Hall
65 Central Avenue
Hackensack, N. J. 07601

Henry J. Amoroso
Hackensack City Prosecutor
Nowell, Mattia, et al.
155 Polifly Road
Hackensack, N. J. 07601

re: State of New Jersey v. Salvatore Moretti, Docket No. 96-2057; State of New Jersey v Salvatore Moretti, Docket No. 96-1998

Dear Clerk of the Court & Municipal Prosecutor:

On August 2, 1996 I served upon the Clerk of the Court and the Hackensack Municipal Prosecutor, Henry J. Amoroso, a demand for discovery with respect to the

above captioned matters. I appended to my demand for discovery sixty-three pages of materials upon which I will be relying at the trial of the within matters. As you recall, the first two paragraphs of the letters were as follows:

> Be hereby advised that I received notices regarding the above two captioned complaints. I require discovery as to the names of the complaining witnesses to be offered against me in these two municipal matters. Kindly provide me with the bases upon which these complaints were filed, in particular the allegations of the Hackensack Fire Department and Ms. Ferenczi.
>
> I have appended sixty-three pages of material related to these complaints, which show that there are conflicts of interest in the municipality's filing these complaints. I have notified you that I do not view notices sent to me proper when the problems complained of relate to leasehold violations committed by my tenants or guests of my tenants within their rented apartments. For example, one complaint relates to the tenant failing to maintain his or her

smoke detector within his/her apartment. Clearly, the lease requires that the tenant maintain his/her own living space within his/her apartment and that he/she should not suffer waste within their apartment. The waste complained of is intentional misconduct by tenants despite my demands that they cease violations.

Be hereby advised that there are two Petitions Pending in the United States Supreme Court relating to the above captioned matters, namely, petitions docketed at No. 96-249 (in re Pizzuto), and 95-2045 (in re Austin). The two petitions call into question the conflict of interest relating to the citing of this party (Salvatore Moretti) with building violations when the violations relate to the leaseholds of third parties who are not notified of the citations nor bought to court to be cross-examined as to whether they caused the building violations complained of. Failing to bring these tenants/guests of tenants to court would allow for tenant destructiveness resulting in criminal acts on the apartment house property. This is clearly illegal under the criminal and civil laws of the United States.

Given that the City of Hackensack has failed to bring the tenants to court, I must insist that they do so. Also note that the pendency of the above noted United States Supreme Court cases should be considered, suggesting that an adjournment be granted so as to await the determination of the Supreme Court and/or review by the prosecutor of the two petition.

Kindly advise what you will be doing with regard to this notice, and whether in fact you will be re-scheduling the court appearances. While I expect. to be in court on the return date, I will await your response as to rescheduling.

Very truly,

(s) Salvatore Moretti

App. 14

SALVATORE MORETT
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

FEBRUARY 19, 1996

Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106-1790

re: Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, Docket No. 95-5732, D.C. No. 94-cv-06347

Dear Sirs:

I just received a letter dated February 15, 1996 from the Office of the Clerk in the above captioned matter. This letter states as follows:

Enclosed please find a certified copy of an order of an order, filed today, in the above captioned case.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 95-5732

Re: Moretti v. Dinice

Present: Stapleton, Nygaard and Lewis, Circuit Judges

1. Motion by Robert Zimmerer, Esquire, counsel for Honorable Louis J. Dinice in No. 93-5581 for Attornyes' Fees and 2Expenses totaling $8,496.09.

2. A response has not been received.

(s) Kathleen O'Toole,
Deputy Clerk
Direct Dial: 597-5846

---------- order ----------

The foregoing Motion is/xxx: granted in the amount of $8496.09.

By the Court,

Dated: February 11, 1996

Crcuit Judge

In reviewing my motion to consolidate, I note the following in my November 29, 1995 motion papers, "in support thereof,

re: Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, Docket No. 95-5732, D.C. No. 94-cv-06347

petitioner is enclosing copies of his lengthy brief and appendix to the appellate division in the case of Moretti v. City of Hackensack, Docket No. A4913-94 T2, currently pending in the New Jersey Supreme Court, Docket No. 41,120. Also find petitioner's certification dated November 29, 1995, with attachments. I am providing copies of the foregoing materials to all of the defendants' attorneys, as shown in the proof of mailing. (s) Salvatore Moretti, Plainiff Pro Se, enc. cc.: The Defendants in Moretti v. State of New Jersey et al., C. A. Docket No. 95-5732; Moretti v. Dinice and Sullivan, C. A. Docket No. 95-5754; Moretti v. Zisa, et al., C. A.Docket No. - pending.

The seven hundred page two volume brief and appendix has been delivered to all of the defendants, but recently I received a letter from the court dated January 10, 1996 stating "this will acknowledge receipt on November 30, 1996, of an original and three copies of volumes one and two of your brief and

appendix captioned in the Superior Court of New Jersey, Appellate Division which were forwarded to our office on December 28, 1995, for a response. We note that you have not included a certificate of service indicating whether opposing parties have been served with copies of these documents."

Subsequently, on January 18, 1996 I wrote to the Clerk of the Court of Appeals, U. S. Court of Appeals - Third Circuit, 21400 United States Courthouse, 601 Market Street, Philadelphia, Pa. 19106-1790, In Re: Moretti v. State of New Jersey et al., C. A. Docket No. 95-5732; Moretti v. Dinice and Sullivan, C. A. Docket No. 95-5754; Moretti v. Zisa, et al., C. A. Docket No. 95-5843.

-- Dear Clerk of the Court: Enclosed find the proof of service to which you refer in your correspondence dated January 10, 1996. In that letter you state,

> This will acknowledge reception November 30, 1995, of an original and three copies of volumes one and two of your brief and appendix captioned in the Superior Court of New

> Jersey, Appellate Division which were forwarded to our office on December 29, 1995, for a response. We note that you have not included a certificate of service indicating whether opposing parties have been served with copies of these documents.
>
> "No action can be taken on your documents as your purpose in sending them in unclear. As noted earlier, both volumes of your brief and appendix are captioned in the Superior Court of New Jersey and contain a submission date of July 7, 1995. ...you have more than one appeal currently pending in this Court..."

My response on January 18, 1996 was as follows, "I am enclosing a copy of the proof of service dated November 30, 1995 which states in relevant part that:

> I placed in the United States mails for delivery to the within defendants the motion to consolidate the three causes of

action, the November 29, 1995 certification in support of consolidation with attachments, and the 670 page brief and appendix in the case of Moretti v. City of Hackensack, A-4913-94 T2.

The enclosed proof of service was very specific, and stated that "I, Salvatore Moretti, am the plaintiff pro se in the three causes of action shown above. On January 18, 1996 I placed in the Unted States mails in Hackensack, New Jersey for delivery to the within defendants the January 18, 1996 clarification with regard to my motion to consolidate. Also enclosed are several certifications setting forth factual issues. These certifications have been delivered to the N. J. Tax Court, and the underlying facts existed at the time of the motions to dismiss the within causes of action. The certifications indicate that hearings should have been held on the facts, that there were factual issues requiring examination, and that the cases were not frivolous and should not have been dismissed with imposition of sanctions. As noted, along with the motion to consolidate the three causes

of action, the November 29, 1995 certification in support of consolidation was delivered with attachments of the 670 page brief and appendix in the case of Moretti v. City of Hackensack, A-4913-94 T2. The list of defendants' attorneys is as follows..."

The factual certification (also delivered to the N. J. Tax Court) delivered to the United States Court of Appeals clearly state the factual contentions of the plaintiff, spot-lighting the multiple arrests by Louis Dinice, and the refusal to conduct trials when plaintiff Moretti was assaulted by one Killian Osuji. The multiple documents clearly show that plaintiff Moretti paid the Hackensack Water Company $21,250 for his water bill in a sixteen month time period, but nevertheless received a shut-off notice, along with jailing by Dinice in the Bergen County jail. In addition, the certifications referenced the acceptance of complaints by one Beverly Freeman against plaintiff Moretti. Freeman was indicted by the Bergen County Grand Jury, and in fact had been found guilty by Dinice of filing false complaints against officials in Hackensack, resulting

in her being sentenced to jail by Dinice.

The certifications filed in the Tax Court show that plaintiff Moretti was ordered out of his home with Dinice's knowledge, rendering collection of rent impossible. Further, the certifications state that when plaintiff Moretti appeared before Dinice's lawyer, Robert Zimmerer, Esq. of Lepore, Zimmerer, and LePore, that the lawyer was unprepared, had not appeared in any court to contest the matters sub judice, and that the complaint filed in federal court was dismissed by the trial court without hearings, without oral argument, and that papers submitted were not reviewed by the court because they had been advised the case was frivolous.

I hope that this clarifies the fact that misplaced papers should be considered in this matter. Since I have been submitting papers to the Supreme Court of New Jersey where two cases are pending, I believed the papers were read by the parties upon whom they were served. Apparently, they were not read by the parties in the past.

I am sending this notice to the court and the defendants on an emergent basis

- the imposition of sanctions of $8496 is bizarre for a property owner trying to do his job, but not being paid for his eighty hours per week of work. Despite time deadlines for submitting papers, I have produced over 1,000,000 pages of copying in the past ten years, at least some of which involved a case just filed with the Supreme Court of New York, (after it was presented to the United States Supreme Court).

Under these circumstances, I find the statement that I have not produced a reply opposing Mr. Zimmerer's request for $8496 not true. Mr. Zimmerer's claim of expenses due to having to read materials submitted by an expert in real estate with over a quarter century of experience is improper. Consider that a bank robbery is being considered by the Supreme Court of New York, said robbery being of funds belonging to plaintiff. This robbery took place in a federally insured bank in broad daylight. This robbery of over $7,000 of rent receipts renders payment of the sanctions imposed impossible. Further, it argues for the proposition that the cause of action herein is not frivolous. This letter is merely meant to be an emergent

response to the apparent misunderstanding relating to the basis for my request for consolidation, and the applications for emergent relief to the court, including consolidation. Failure to consolidate resulted in fragmentation of the cause of action in the past, and dismissal without opportunity to defend. It should not re-occur.

(s) Salvatore Moretti
Plaintiff Pro Se8
cc: All Defendants

App. 24

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

FEBRUARY 21, 1996

Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106-1790

re: Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, Docket No. 95-5732, D.C. No. 94-cv-06347

Dear Sirs:

.....I responded as follows: "In reviewing my motion to consolidate, I note the following in my November 29, 1995 motion papers, "in support thereof, petitioner is enclosing copies of his lengthy brief and appendix to the appellate division in the case of Moretti v. City of Hackensack, Docket No. A4913-94 T2, currently pending in the New Jersey Supreme Court, Docket No. 41,120. Also find petitioner's certification

dated November 29, 1995, with attachments. I am providing copies of the foregoing materials to all of the defendants' attorneys, as shown in the proof of mailing. (s) Salvatore Moretti, Plainiff Pro Se, enc."

I understand the court's comment that the papers submitted to it may have been reviewed in connection with other matters, or might not be considered germane to the issue of attorney's fees, etc. However, the only papers submitted by the defendant Dinice is a six page brief dated July 28, 1993. There was no discovery allowed in the case of Moretti v. Dinice and Sullivan, 93-528 (JCL), and there were no motion hearings conducted, nor were there post trial motions allowed. Since the theory of the decision by Judge Lifland was absolute immunity from a frivolous lawsuit, there was no appeal possible since no testimony appeared in evidence to contradict that appraisal.

Nevertheless, the complaint filed in that case was clear. Water was shut off in an apartment house assessed $766,000, an plaintiff was arrested by Dinice and incarcerated twice due to non-payment of a water bill. Even after payment of $20,000

on that water bill, plaintiff was again incarcerated in September, 1995 by Dinice due to a complaint filed by Freeman (transcript of trial before Judge Takvorian attached). in fact, all the issues in 1993 exist today in the subject neighborhood, suggesting that the underlying cause of action was meritorious. Premature dismissal denied discovery, but the certifications to the New Jersey Tax Court prove that plaintiff's position was substantive.

The zoning disputes involving Palladino and Faith Temple show variances granted to individuals who were in arrears on their real estate taxes, contrary to the Hackensack zoning code- the implication is that residents are denied zoning protection in favor of non-residents. Ratner Oldsmobile was driven into bankruptcy, while residential users were burned out of their homes at 381 Passaic Street, and 385 Passaic Street.

Plaintiff within was arrested for merely collecting his rent at 90 Park Street due to complaint by one Beverly Freeman (transcript attached), while his tenants disassembled the fire alarm system (nineteen smoke detectors were found

defective in one day). Plaintiff was robbed at Citibank (New York Supreme Court complaint Index no. 2727-96, attached and made a part hereof). Banks denied plaintiff loans, despite his long time management of the subject premises, while assessment practices refused to decrease assessment.

The gist of the foregoing is that the award of $8,496.09 to Zimmerer is unjust, since plaintiff's position is substantive; appeals to the Bergen county chancery court and law division, and to the state appellate courts have proven futile.

Kindly review the attachments made a part hereof and advise.
By copy of this letter, I am providing copies of this letter and attachments to the defendants as set forth in the proof of service.

(s) Salvatore Moretti
Plaintiff Pro Se

enc.
cc: All Defendants in Cases to be Consolidated

Salvatore Moretti
Plaintiff Pro Se
390 Park Street
Hackensack, New Jersey 07601
(201) 646-1414)

UNITED STATES COURT OF APPEALS

SALVATORE MORETTI, Plaintiff	: THE THIRD CIRCUIT
- vs -	:DOCKET No. 95-5732
LOUIS J. DINICE, and TIMOTHYJ. SULLIVAN, Defendant	:D.C.No.94-cv-06347

PROOF OF SERVICE

I, Salvatore Moretti, am the plaintiff in the above captioned lawsuit, and make this certification under oath as follows:

1. On February 22, 1996, I deposited in the mails in the Hackensack Post Office an objection to filing of an order imposing $8,496.09 as attorney's fees in the above captioned cause of action. The postpaid envelopes were directed to the following:

Office of the Clerk
U. S. Court of Appeals- Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, Pa. 19106-179

Robert Zimmerer, Esq.
LePore, Zimmerer, and LePore, Esqs.
Park 80 West
Plaza One
Saddle Brook, New Jersey 07663

Deborah T. Poritz, Attorney General
Office of the Attorney General of N.J.
Department of Law and Public Safety
Division of Law
Richard Hughes Justice Complex
Market and new Warren Streets
Trenton, New Jersey 08625

Christopher McGarry Esq.
Nowell, Amoroso Esqs.
155 Polifly rcad
Hackensack, New Jersey 07601

Adele Rebell, Esq.
Office of Bergen County Counsel
Administration Building
21 Main Street
Court Plaza South
Hackensack, New Jersey 07601

The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: February 22, 1996

Transcript of Proceedings - Deposition of Salvatore Moretti

Case: Salvatore Moretti v. Louis J. Dinice and Timoth J. Sullivan.

Case Docket No.: United States District Court, District of New Jersey Civil Action No. 93-58(JCL)

Deposition On May 23, 1994. at the office of LePore, Zimmerer, and LePore, Appearing on behalf of Dinice and LePore, Douglas W. Kortrey, Esq., at office located at Park 80 West, Plaza 6ne, Saddle Brook, N. J. 07662.

T3-22. Moretti: You now have a copy of a nine-page application to stay, a mandamus, which has been filed with the United States Supreme Court in Washington, D. C. along with the petition for certiorari in the case of Moretti v. Zisa, e al. My understanding, therefore, is that the application to stay is in the hands of an Appellate Court, which in fact I believe will rule favorably in this case.

T7-5. Douglas Kortrey of Law Firm of Lepore, Zimmerer, LePore: I will read it (the stay and the petition for certiorari) at a later time, Mr. Moretti, buy we're here today pursuant to an Order of Discovery, signed originally by the trial court back in, I believe, December or January. We followed up and submitted an

Order for Arrest. I have and I have shown you the letter from Magistrate Hedges dated May 9, 1994, wherein you were ordered to appear here today and give testimony under oath concerning your assets and things in action. That is the sole purpose why we are here today...
T12-12: Kortrey: You live in an office?
Moretti: Well, my site address is 390 Park Street.
Kortrey: Your site address. Where do you reside?
Moretti: That's my address, 390 Park Street in Hackensack.
Kortrey: That is where you live?
Moretti That is my address.
Korrey: Is that where you live?
Moretti: It's been asked and answered.
Kortrey: No, it hasn't...Do you reside at 390 Park Street?
T12-25. Moretti; It's been asked and answered.
T13-1. Kortrey: What is your occupation?
Moretti: Apartment house manager.
Kortrey: Is that the apartments at 390 Park Street
Moretti: It's on Park Street in Hackensack.
Kortrey: Who owns that property on Park Street?
Moretti: Well, it's listed in the

jurisdictional statement, in the complaint. If you've read the complaint, the jurisdictional statement states that I am the property owner of the apartment house property and it gives my name, my address, my telephone number. I would note, incidentally, that I never received an answer to the complaint. The complaint was filed February 1st of 1993. It is now May of 1994.. I have never received an answer from LePore, Zimmerer, LePore to the complaint. But I assume for reference today that you have both received the complaint and read and understood the contents of the complaint.

Kortrey: You can work under whatever assumptions you want. I'm going to continue.

T16-2. Kortrey: How many hours a week do you work on average as an apartment house manager?

Mretti. I would say over 40 hours.

Kortrey: Over how many days?

Moretti: Well, the only way to answer that question is to state that apartment house management is responsible for the apartment house 24 hours a day, seven days a week. So it's a job which requires management over that time period.

T16-11: Kortrey: If I understood you earlier, this is your own property that

you manage?

Moretti: My own property, well, it's -- I think the nature of the complaint, that is a civil rights complaint, questions whether the ownership of the property and the purpose of the property is consistent with the federal (and general) concept of ownership. That's an issue in the complaint. It's not an issue for discovery. In other words, the complaint says the way in which the apartment operates - this puts in doubt your question (whether) the operation of the property (is) consistent with ownership purposes or management purposes or maintenance purposes. That's the complaint you received. If you read the complain, I would incorporate the statements within the complaint as allegations which are here verified under oath and affirmed as being truthful and consistent with the federal actions which have been filed and with the petition of certiorari which has been filed in Washington.

t18-9. Kortrey: How are you compensated for your work as apartment house manager?

Moretti: That is what the application to the Supreme Court discusses in detail, which you have not read and you have chosen not to. I point out those issues

on pages three, four, five, six, seven and eight, which refers to compensation. I cannot improve upon that answer. It should be incorporated in these proceedings as responsive to that point.

T18-19. Kortrey: I'm not going to read paragraph X, Y, Z and so on...How are you compensated for your employment as an apartment house manager?

T18-24. Moretti: The complaint states it specifically which you have before you and which the courts have before them and the related matters of Moretti v. Zisa, et al, and Moretti v. State et al., Docket No 92-4206 and 93-5577 respectively; there is no compensation for the work described in the jurisdictional statement. That's what makes a civil rights complaint - the fact that you are not being compensated but you are required to work at and be present on the subject property.

T19-8. Let's try it this way. What's your annual gross income?

T19-10. I don't have any of the records excepting for those which are set forth in the application, which states at page six that the real estate taxes are $25,000 per year. The cost of water is $7,500 per year. Cost of fuel oil is $12,000 per year. Cost of gas and electric $6,000 per year. The rental income on average would

be under $500 per month. The problem there is that the wages, the allowable, minimum wages allowable for maintenance work to comply with the federal statues requires that an individual working for 40 hours a week should make a considerable amount of money. They should make at least $127.50 per week according to the old guidelines, and more now. And because of the curtailment of the [rental] income and the increase of the expenses, that simply does not produce - with the vacancy rates being what they are today and the high turnover of tenants, with the number of evictions and with rent losses of 30 evictions with $1,000 or more lost each eviction - it simply doesn't square with taking any salary out or deriving any benefit from the subject property. That is the basis of the civil rights complaint, as I stated.

T20-4. Kortrey: Is it your testimony that you have no annual gross income? From that soliloquy, I would gather that that is your testimony here today.

T20-7. Moretti. I would want to prepare all of the income and expense statements and go over them in order to answer that.

T20-9. Kortrey: You were supposed to have done that when you came here today for purposes of this proceeding...and that was

clear in the petition for discovery... Moretti. I do this work diligently and all of this work which could possibly be done was done. When I give you these figures, they are accurate figures.
T20-17. Kortrey: That takes into account the business of running your property?2 I'm asking you for your personal annual gross income.
T20-20. Just [adding together) those (expense) figures that I gave you is in excess of $50,000 in costs. Excluded from this are all of the cost of maintenance, all of the costs of supplies, all of the costs of insurance, all of the costs of (outside) labor, filing fees, (federal and state) taxes. And when you add those costs in, the operating costs would exceed the (rental) income.
T21-1. Kortrey: I will ask you again, what is your personal annual gross income, and I would add that I would move to strike our testimony that you just gave if need be because it's non-responsive to the question. I'm not ask2ing how much it cost you to operate your property. I'm asking what's the bottom line that Mr. Moretti realizes.
T21-7. Moretti. Let me give you some specifics. I just evicted a person from an apartment. The person owed $3,000 in

rent. The person had been before Landlord-Tenant Court a minimum of five times and was allowed to continue time after time until finally it became evident that this was a loss in rent and we simply weren't going to be able to collect. I think it's more than $3,500.

T21-14. Kortrey. Mr. Moretti, please answer my question. You're not doing that. I'm not asking for you to give me your life story here.

T21-17. You asked the other question, "what does a manager (of an apartment house) do? I'm discussing evictions. I have another apartment where if I can -- it's even discussed in the complaint. The individual bounced four checks totaling $3,000. You client, Dinice, felt that it wasn't the tenant's fault. In fact, the tenant moved out and -- this gives you an idea of the problem of conflict in your question. Your question, while it seems to be honest, in one sense what you're doing is saying I'm not going to allow you to collect rent because, for example, someone may be unable to live in their apartment for a year but we will conduct discovery and claim that you're not being responsive to discovery. The issues are right in the complaint. I am not going to repeat the complaint, but the point is, just in that

instance there was a loss of at least $3,000, There were --
T22-7. Kortrey. Mr. Moretti --
T22-8. Moretti. There were at least 30 evictions similar to this which are reflective of the problem of deriving income or salary while maintaining property in accord with the maintenance and housing guidelines of the municipality and of the State promulgated by the Department of Community Affairs. I hope that answers your question.
T22-14. Kortrey. That did not answer my question. I'm going to ask it again. What is your annual gross income in terms of dollars?
T22-17. Do you take issue with any figure I've given to you?
T-22-18. Kortrey. I'm not here to answer the questions and I won't. I will ask the questions.
T22-20. Well, I simply point out that I've given you figures. Do you accept them? And you refuse to state whether you accept the figures I've given to you. I think that calls for no further comment on your part that the figures I've given to you are not responsive. They are responsive and I will stick with the figures I've produced.
T23-1. Kortrey: That's all very well and

good. Now, if you can answer my question, what is your annual gross income?
T23-3. Moretti. I think you should have the transcriber reread this series of questions and answer which has gone on -- it is now, I believe, 15 minutes since we've been on this question. It is approximately 10:35 and we've been on this very question since about 20 after ten.
T23-8. Should we call Magistrate Hedges and see if he will make a determination as to whether your answer is responsive to the question?
T23-11. Moretti. Now you want to interpose a phone call? If you, sitting there listening to my responses, cannot even state if any of the figures given you were accurate or not, how do you expect Magistrate Hedges over the phone to arrive at his decision?
T23-16. Kortrey. The question is not whether your figures are accurate. For the purposes here, we could assume they are. The question here is, what is -- allow me to finish my question and then you may talk because I am being patient and letting you speak all you want. If you would allow me to finish my question, maybe we could proceed a little faster here this morning. If I assume these numbers are right, that still doesn't help

me or did not allow me to hear from your mouth what is your annual gross income. And that was the simple question put in its simplest, must pure form.

T24-1. Moretti. There are many simple questions which are simply disguised complex questions. I've already answered that at least five times. I think you're being argumentative at this point. You are arguing the point which is set forth in the moving papers and in the complaint to which you have given no answer. You have not appeared at any of the motions before Magistrate Hedges or Judge Lifland. You have not appeared with respect to the dismissal, with respect to sanctions or with respect to discovery. I appeared at all of those and requested your appearances but you failed to appear. You failed to argue the point. You failed to make a record. And you failed to proceed. That's in the motion papers sent to the court. It's on record that you have not engaged in oral argument. You have not answered any discovery. You have not complied with any discovery rules under the Federal Court Rules. You have not answered any interrogatories.. You have not been deposed. You simply filed a motion to dismiss and you're proceeding at this time in this way. Its simply

argumentative.

T28-18. Moretti. We are right in the tax season and what apparently you're seeking to do is to get specific responses for at least the 25 items which I just related, plus to do the type of work which a lawyer would do in the deed vault....

T29-22. Moretti. The trial court had no jurisdiction. The trial court never conducted any hearings. The trial court would not know whether anyone filed any papers because there was no motion hearing. There was no oral argument. There was no discovery. there was no settlement conference. There was no scheduling conference.

T29-25. Kortrey. Are you done?

T30-12. Kortrey. On or about October 19, 1993, Judge Lifland awarded sanctions against you in favor of defendant Dinice in the amount of $1,613.65. That amount remains outstanding.

T30-15. Moretti. That's on appeal.

T32-4. Kortrey. In that Petition for Discovery -- and I'm reading from paragraph ten of that petition -- and I quote, "Accordingly, petition prays Your Honor to make an order requiring plaintiff Salvatore Moretti to appear and make discovery upon oath concerning his property and things, at the law offices of

LePore, Zimmerer & LePore located at Park 80 West, Saddle Brook, New Jersey, on February 23, 1993, at 2:00 p.m., and to bring with him the following items: all deeds to real property in which plaintiff has an interest; appraisals of all real property in which plaintiff has an interest, records, statements and cancelled checks reflecting all bank accounts in which plaintiff has had an interest in the last two years; schedules of all plaintiff's property and assets and their location including but not limited to all goods, chattels, debts or loans due to plaintiff; accounts receivable, vehicles, goods, machinery and equipment, copies of all plaintiff's tax return and appended schedules for the past two years.
T34-15. Kortrey. You failed to appear for scheduled deposition February 23rd, 1994 at 2:00 p.m. in the afternoon.
T34-18. Moretti. It was snowing and it was freezing that day.
T34-19. Kortrey. Correct. I wish you would refrain from speaking.
T36-6. Moretti. Well, I have it in black and white that I have ten cases with $3,000 in the courts and the courts simply haven't come up with the cash to support what's in the papers. So its a matter of being responsive to the real world facts.

What I ask you, when you're talking about painting, sanding, plumbing repairs and who gets paid for it and how much are they going to collect for plumbing repairs for two years, there was no response. You didn't even consider it a question. You didn't even consider it an issue. You don't consider it an issue whether or not an individual is able to prepare the documents while answering your moving papers. Your moving papers were not responsive. They didn't provide any discovery. I don't know if Louis Dinice checked the case, checked with the water meter, checked with the tenant of a complaint. We have no response. It's evasive.

T36-20. Kortrey. I would have to object with [sic] that statement.

T36-21. Moretti. It's true. There are no admissions. There's no discovery.

T36-23. Kortrey. There's no need for discovery because there's no complaint. It's been dismissed.

T36-25. Moretti. The Federal Rules require that discovery be allowed in a case. It wasn't allowed and because if it's not being allowed, I can't give you a yes or no answer to questions which you think are simple.

T37-4. Kortrey. Terrific. That's fine. I

accepted that answer. I went back to the Petition for Discovery.

T37-23. Kortrey. The point is you're in contempt of this (discovery) Order.

T38-25. Moretti. You suppied a form. You just pointed to a form which you supplied which is from Allstate Legal Supply. Allstate Legal Supply has a form entitled "Supplementary Proceedings". That form sets forth what you're entitled to now. You provided a copy of that form to the Court alleging those are the types of questions which you were interested in. You provided a copy to either mislead me and the Court or to tell us correctly the type of information you seek.

T39-8. Kortrey. That's not an accurate characterization. That document was annexed to show the date it was faxed through - February 23, 1994 at 2:02 p.m. It showed that the fax machine in this office was working. I'm going to ask you again, did you bring any appraisal of any real property that you have an interest in?

T39-4. Moretti. It shows the fax machine -- who was it that faxed to your fax machine which was working.

T39-16. Kortrey. Correct.

T39-17. Moretti. You know, now that you refer to your fax machine, this Order was

secured on the basis of a mid-winter date, and on that date in question I faxed you a notice and then I mailed it to you and I believe you received it. You're not objecting to it now. You apparently are going back to that date claiming that you didn't receive the fax when in fact I gave you prompt notice of the difficulty of arriving on the appointed date due to the fact of snow conditions and ice, freezing rain and temperatures which were at least in the area of 20 to 25 degrees, ten degrees below freezing.

T41-9. Moretti. The only way I can answer that is to say that in the complaint, in the jurisdictional section, there is set forth the assessment of properties which is an element in the complaint, and that relates to an issue. You don't solve the issue by simply getting into an argument.

T41-14. Correct. That's absolutely right.

T41-15. Moretti. It requires a very straightforward approach. If you think that in supplemental proceedings you're going to get into material subject of other litigation, you're incorrect. If it's subject to other litigation pending in the tax court of New Jersey, you're not entitled to that information.

T41-20. Kortrey. I beg to differ with you there.

T42-20. Moretti. It's a pending complaint before the [United States] Supreme Court. The issue is -- goes back to salary. Let's say the Supreme Court hears this case and says I'm entitled to $50,000 a year for calendar years 1992 and 1993. Now, where's that money going to come from? You see, that's a question and your moving papers skirt that question. They don't address it.

T42-25. Kortrey. I don't know what moving papers you're talking about.

T48-16. Kortrey. Are you self-employed?

T48-17. Moretti. To answer the question, do I consider myself self-employed? I would have to say that I do not consider spending a year without salary to be self-employed. In other words, I don't consider wasting my time for a year to be self-employed.

T48-21. Kortrey. Are you employed by another person or business entity? When I say "another" that means other than yourself.

T48-24. Moretti. Not of which I am aware.

T49-22. Moretti. The jurisdictional statement refers to the jurisdiction of your client [Louis Dinice] as a Hackensack lawyer who is named as a defendant. The issues arose because of questions on the topic of water consumption, odors in the

cellar, extermination services, and an assault and battery case, [all of which came before Louis Dinice as judge] and so forth. The jurisdictional statement goes into detail. You would really have to be specific as to ownership interests of which I may not be aware of or familiar with what you're referring to at this time.

T54-22. Kortrey. We're here for an Order of Discovery which is basically addressed to allowing defendant Dinice to collect the amount that was imposed against you as sanctions.

T54-25. Moretti. You're being argumentative.

T55-1. Kortrey. No I'm not. I'm stating a simple fact.

T55-2. Moretti. You want to argue a lawsuit in court.

T55-3. Kortrey. No. I'm not arguing.

T55-4. Moretti. These are court arguments. You're saying in consideration of the application in the Supreme Court when I go over the motion papers and the briefs filed and the complaint and whatever exists in the trial court, how do you propose that I should phrase my position? It's up to you to consider based upon your position in the case.

T55-17 Moretti. What I have done is I have addressed the equities or the legal problems in the trial court. Now if you feel that you don't have enough information, you should go to the trial court and say, "Boy, were you wrong. You shouldn't have dismissed this case at this point because I don't know this. I don't know that. I don't know all of these important facts. You shouldn't have dismissed."

T55-24. Kortrey. The only thing that I don't know is or are where your assets are located so I can send a Federal Marshall to levy. That's the purpose of this.

T61-13. Kortrey. I never threatened you. I told you how we will proceed. I am giving you my strategy. I am laying it on the table, but you don't. If you don't want to answer these questions, I will have to make another application to Judge Lifland regarding the questions that you've refused to answer. That's as simple as we can make it.

T61-19. Moretti. You want to debate -- I'm sorry. I'm not going to debate.

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

February 6, 1996

Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106-1790

RE: MANDAMUS - SALVATORE MORETTI v. HAROLD A. ACKERMAN; in re: Salvatore Moretti v. Mayor John Zisa and the Hackensack City Council; George Diana and the Board of Adjustment; Patricia Farlie and the Hackensack Health Department; C. Morrissey and the Hackensack Police Department; Henry Amoroso, Hackensack Prosecutor; The Hackensack Water Company; Gutterman-Musicant, Inc.; and G. Thomas Gentile, Court of Appeals Docket No. 95-5843.

Dear Clerk of the Court:

Enclosed find petitioner's application for a writ of mandamus under United States Court of Appeals Rule 21 in the above captioned matter. Also enclosed find the fee of $100.00, Certified Check No. 705.

The mandamus is directed to require Judge Harold A. Ackerman, of the United States District Court, United States Courthouse, Newark, New Jersey to act in the above captioned matter.

When this case was before Judge Ackerman, it was docketed as No. 92-4206(HAA). The enclosed petition has attached to it a certification upon which petitioner will rely.

(s) Salvatore Moretti, Pro Se Plaintiff

Salvatore Moretti, Petitioner Pro Se
390 Park Street
Hackensack, New Jersey 07601
(201) 646-1414

UNITED STATES COURT OF APPEALS

SALVATORE MORETTI:
Petitioner :Docket No. 95-5843
- vs. - :
H. A. ACKERMAN, :
Resondent

CERTIFICATION IN SUPPORT OF GRANT OF PETITION FOR WRIT OF MANDAMUS

Salvatore Moretti, under oath, by way of certification in support of the granting of the petition for writ of mandamus, hereby states:

1. I am the petitioner in the above captioned mandamus, and I filed a civil action in the United States District Court in Newark, New Jersey, on October 6, 1992, captioned as Salvatore Moretti v. John Zisa, et al., which was docketed as 92-CV-4206(HAA).

2. On May 6, 1993, Harold A. Ackerman, Respondent, signed an opinion which denied the relief sought by petitioner, and subsequently on June

21, 1993 signed an order dismissing the complaint.

3. Petitioner's complaint was filed under 42 United States Code Sections 1981, 1982, and 1983, etc., the Civil Rights Statutes, and claimed in part that petitioner's apartment house property had tripled in assessment (going up $500,000 from $250,000 to $750,000), with other assessed parcels assessed $250,000, for a total of one million dollars. The other parcels consisted of a vacant lot which could not be built on (due to a sewer moratorium), and a single family house (which could not be rented due to neighborhood conditions).

4. The thrust of Judge Harold Ackerman's opinion rendered May 6, 1993 was as follows:

> **[In] Fair Assessment, the Supreme Court held that the principle of comity prevents a federal court from granting damages in a Section 1983 case if a "plain, adequate and complete remedy" may be had in state court. Id. at 116; see also Hardwick v. Cuomo, 891 F. 2d 1097, 1104 (3d Cir. 1989) (comity supplements Tax Injunction Act when only monery damages are sought)...New Jersey provides several remedies which**

afford the plaintiff an opportunity to raise all constitutional objections to the allegedly wrongful property assessment. For example, N.J.S.A. 54:3-21 provides that a taxpayer aggrieved by the assessed valuation of property may appeal to the county board of taxation. [N.J.S.A. 54:3-21 also provides that if the assessed value of property exceeds $750,000, the taxpayer may file a complaint directly with the tax court.] If a party is dissatisfied with the county board's determination, he or she may seek judicial review of the determination by filing a complaint in the tax court. N.J.S.A. 54:51A-1. Thus, New Jersey law provides for an administrative determination, as well as judicial review of that determination. A taxpayer, moreover, is not limited to this review procedure. New Jersey also has a statute providing for declaratory judgment actions. See N.J.S.A. 2A:16-53. See Sipe, 689 F. 2d at 405. Finally, a plaintiff may bring a Section 1983 action in state court. See Peper v. Princeton University Board of Trustees, 77 N.J. 55, 74 (1978) (New Jersey courts have the jurisdiction to

interpret federal statutes and decide federal claims); see, e.g. Timber Properties, Inc. v. Chester Township, 205 N.J. Super. 273 (Law Div. 1985) (Section 1983 action). New Jersey, therefore, provides sufficient remedies affording plaintiff the opportunity to raise any constitutional objections to the real property tax assessment. See Fair Assessment, 454 U.S. at 116-17 (availability of state court Section 1983 action supports withholding of federal jurisdiction); Long Island Lighting Co. v. Town of Brookhaven, 889 F.2d 428, 432 (2d Cir. 1989) (same); Sipe, 689 F.2d at 405-08 (adequate remedy where state court has jurisdiction to decide federal claims). Because New Jersey provides a plain, complete and adequate remedy, this court lacks jurisdiction over any claim regarding the allegedly wrongful property value assessment.

Moretti also alleges that the City Council allowed parking to occur on his property by defenant Gutterman. This claim, however, is not pled with sufficient specificity and will therefore be dismissed.

5. In fact. petitioner appealed his real property assessment to the New Jersey Tax Court on March 30, 1993. When that case, Tax Court Docket No. 8333-93, came to trial it was the decision of the court that it did not have jurisdiction. Petitioner's brief to the Supreme Court of New Jersey cited to IRS Letter Ruling 8949002, issued August 25, 1989. That ruling suggested that an employment relationship was established between Hackensack and petitioner, such that petitioner should be paid for his employment. The N. J. Supreme Court filed its denial of the petition for certiorari January 4, 1996.

6. Since the Tax Court dismissal above noted in paragraph five was based in part upon petitioner's failure to timely file an appeal for his 1991 taxes, petitioner again filed with the Bergen County Tax Board his real property tax assessment on his three parcels, the apartment property (Block 418, lots 22 and 23), the contiguous vacant lot (Block 418, Lot 24), and the house (Block 415, lot 8.b). These three appeals were

docketed as 23-95-00109, 23-9500110, 23-9500111.

The decision of the Bergen County Tax Board on September 13, 1995 was that the three assessments were to remain the same, $733,000 (the apartment house at Bl 418, lot 22-23), $115,300 (the vacant lot at Bl. 418, Lot 24), and 111,000 (the single family house at Bl. 415, Lot 8.b). This decision was appealed to the New Jersey Tax Court. The complaint was docketed as No. 9479-95. Petitioner once again moved for temporary restraints on the collection of taxes by the taxing district. The City of Hackensack has opposed any reduction in tax assessment on the three parcels. In support of petitioner's application for temporary restraints, petitioner supplied the state tax court with certifications showing that petitioner was jailed in September, 1995 for renting his house at 390 Park Street, Hackensack, on the basis of a frivolous complaint filed by a tenant two months behind in his rent. In addition, petitioner showed in his certifications that

his mortgage was being recalled by his mortgagee, that his tenancy was in hardhsip and damaging the buildings (breaking plumbing, tampering with plumbing by releasing sewage into crawlspaces, changing locks, dismantling fire alarms, producing false smoke alarms, disconnecting lighting, and interfering with management in general.) In fact the adjacent 72 unit apartment house had been sold back to the prior owner for "zero dollars" by the doctor who owned the property. Two dozen condominiums on the same block, Park Street, were sold by the Sheriff of Bergen County, for zero dollars up to $20,000 for units assessed over $60,000. The house adjacent to petitioner's apartment house suffered a serious fire and was shut down. The adjacent funeral parlors expanded their uses. A nearby property owner of several decades on Passaic Street had been rendered bankrupt. The new owner was granted a variance for a "pot and pan showroom," despite his being $110,000 in arrears in tax payments. A nearby food store, the new Way Supermarket, was shut down due to

angry slurs cast against its owner-operators.

8. As a result, the economic hardship sustained by petitioner is extreme. It is clear from the length of time of involved, from 1991 to 1996, that no speedy action by the state or its administrative agencies has been forthcoming. The constitutional issues are evident, but the state has not and cannot provide constitutional remedies in the subject case

9. For the foregoing reasons, petitioner is applying to the Court of Appeals to issue a mandamus compelling Judge Harold A. Ackerman to provide remedies in the case filed before him in 1991, Docket No. 92-4206 (HAA).

10. The foregoing statements made by me are true. I am aware that if any of the foregoihjng staterments made by me are willfully false, I am subject to punishment.

Dated: February 7, 1996

Signed: _____

SALVATORE MORETTI,
PETITIONER PRO SE

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

March 12, 1996

Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106-1790

RE: Petitione for Re-hearing, of Case Dispositive Order denying issuance of a MANDAMUS in the case of - SALVATORE MORETTI v. HAROLD A. ACKERMAN Case No. 95-5732, in re: Salvatore Moretti v. Mayor John Zisa and the Hackensack City Council; George Diana and the Board of Adjustment; Patricia Farlie and the Hackensack Health Department; C. Morrissey and the Hackensack Police Department; Henry Amoroso, Hackensack Prosecutor; The Hackensack Water Company; Gutterman-Musicant, Inc.; and G. Thomas Gentile, Court of Appeals Docket

No. 95-5843.

Dear Clerk of the Court:

Enclosed find petitioner's application for a re-hearing of the denial of the writ of mandamus in the above captioned matter. Petitioner applied for a writ of mandamus under United States Court of Appeals Rule 21 in the above captioned matter on February 6, 1996.

Very truly,

_____

Salvatore Moretti, Petitioner Pro Se

enc.

Salvatore Moretti, Petitioner Pro Se
390 Park Street
Hackensack, New Jersey 07601
(201) 646-1414

UNITED STATES COURT OF APPEALS

SALVATORE MORETTI, :
Petitioner : Docket No. 95-5843
- vs. - :
HAROLD A. ACKERMAN;
Respondent

FOR WRIT OF CERTIFICATION IN SUPPORT OF REHEARING FOR WRIT OF MANDAMUS

Salvatore Moretti, under oath, by way of certification in support of the granting of the re-hearing of the petition for writ of mandamus, hereby state:

1. I am the petitioner in the above captioned mandamus, and I filed a civil action in the United States District Court in Newark, New Jersey, on October 6, 1992, captioned as Salvatore Moretti v. John Zisa, et al., which was docketed as 92-CV-4206(HAA).

2. On May 6, 1993, Harold A. Ackerman, Respondent, signed an opinion which denied the relief sought by petitioner, and subsequently on June 21, 1993 signed an order dismissing the complaint.

3. On August 1, 1995, I transmitted via certified mail, Z 726-879-016, Ret. Rec. Req. a letter of transmittal to Hon.

Harold A. Ackerman, U. S. District Court judge of the District of New Jersey, my six hundred seventy page two volume brief and appendix which I had just filed with the New Jersey Appellate Division, A-4913-94T2. That document was received August 2, 1996 by Judge Ackerman, as represented by the green receipt card attached hereto.

CERTIFICATION IN SUPPORT OF GRANT RE-HEARING OF PETITION FOR WRIT OF MANDAMUS, March 12, 1996, p. 2

4. Based upon Judge Ackerman's receipt of this extensive tax court appeal document, he was fully advised as to petitioner's case before him relating to the defendants named within. His reliance upon relief to be provided within the state court system such as the New Jersey Tax Court has been without justification, as proven by the fact that petitioner's most recent attempt to suspend collection of taxes on the site of the tax appeal, 390 Park Street, 391-7 Park Street, and 387 Park Street, produced no response current to March 12, 1996.

Photographic evidence to date shows that the tenancy of the subject twenty unit

apartment house utilizes bicycles to transport themselves to and from work, suggesting that hardship is significant. This hardship is accerbated by the unconstitutionally high assessment of the apartment house property.5. Petitioner on March 7, 1996 notified the New Jersey Tax Court that annual real estate taxes at Park Court Apartments, 391-7 Park St., Hackensack, N. J. Block 418, Lots 22 and 23, was $24,262.30. The contiguous vacant lot bears annual taxes of $3,816.43, with 390 Park Street, Hackensack paying annual taxes of $3,674.10. Fuel oil at Park Court Apartments cost $7,690.47 in calendar year 1995. Payments to the Hackensack Water Co. (now known as United Water New Jersey) amount to 9,750.00 for calendar year 1995.

6. On March 7, 1996, petitioner was required to distribute Notices to Cease to the tenants of Park Court Apartment requiring that they cease storing their fifty or more bicycles in the court yard attached to railings, and that they cease tampering with fire alarms and plumbing. These notices came as a result of advisements by state and municipal officials that violations existed at the property of fire codes and other

regulations as a result of lease violations by the tenancy.

7. The decision reached by the U. S. Court of Appeals Third Circuit in the within case is premised upon lack of notice to Judge Ackerman of the cause within. In fact, notice to Judge Ackerman was well documented in the two volume tax appeal delivered to him (carbon copies to defendants) on August 2, 1996 via Cert. No. Z726-879-016. R.R.R. Due to the foregoing, it is petitioner's contention as follows:

> I express a belief, based upon a reasoned and studied professional judgment, that the panel decision is contrary to decisions of the United States Court of Appeals for the Third Circuit or the Supreme Court of the United States, and that consideration by the full court is necessary to secure and maintain uniformity of decisions in this Court, to wit, the panel's decision is contrary to the decision of this Court or the Supreme Court in the case of Moretti v. Citibank, et al. Case No. 95-7060, dealing with bank robbery

petioner has currently proceeded to the New York Supreme Court where the case is docketed as Index No 2727-96), and with

the intention of Judge Ackerman in the underlying federal district court case that this matter be reached on an expedited basis in the state court system which has not acted for four years. Further, it is petitioner's contention that the zoning issues and tax collection issues are of exceptional importance, in that houses have been burned down recently in the neighborhood near to zoning variance sites (to wit the Palladino case). In that case, a site four years behind in taxes amounting to over $116,000 was granted a variance after the bankruptcy of a former manager at a car dealership due to excessive taxes demanded by the defendant City of Hackensack.

9. The foregoing statements made by me are true...

Dated: March 12, 1996

Signed: (s) SALVATORE MORETTI

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

(2)

Supreme Court, U.S.
FILED

96 777 AUG 2 2 1996

OFFICE OF THE CLERK

NO. _____

SUPREME COURT OF THE UNITED STATES

IN THE PETITION OF SALVATORE MORETTI

PETITION FOR WRIT OF PROHIBITION

SALVATORE MORETTI,
Petitioner
-v-
LOUIS J. DINICE
Respondent

SUPPLEMENTARY APPENDIX

Salvatore Moretti
390 Park Street
Hackensack, New Jersey 07601

SUPPLEMENTARY APPENDIX
MORETTI v. DINICE, ET AL.
PETITION FOR WRIT OF PROHIBITION
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1. App. 1. October 10, 1996. Clerk of U. S. Supreme Court requests preparation of Supplementary Appendix separately bound in addition to Petition for Writ of Prohibition, in case of Moretti v. Dinice & Sullivan.
2. App. 2. August 2, 1996 Petitioner Moretti supplies 42 page addendum on history of orders entered in case of Moretti v. Dinice & Sullivan. Court of Appeals Third Circuit. 95-5754
3. App. 4. Order dated September 13, 1993. Moretti v. Dinice & Sullivan 93-528. Hon. John C. Lifland. United Sates District Court Judge. Newark, N. J.
4. App. 9. Order dated September 30, 1993. Moretti v. Dinice & Sullivan 93-528. Hon. John C. Lifland. United Sates District Court Judge. Newark, N. J.
5. App. 11. Order dated August 10, 995. Moretti v. Dinice & Sullivan 93-528. Hon. John C. Lifland. United Sates District Court Judge, Newark, N. J.
6. App. 13. Order dated September 18, 1995. Moretti v. Dinice & Sullivan 93-528. Hon. John C. Lifland. United Sates District Court Judge, Newark, N. J.
7. App. 15. order dated January 9. 1995 Moretti v. Dinice & Sullivan 93-528. Hon. John C. Lifland. United Sates District Court Judge. Newark, N. J.
8. App. 17. Order dated June 2, 1994. Moretti v. Dinice & Sullivan Application No. A-987. Denied by United States Supreme Court.
9. App. 18. June 19, 1995. Moretti v. Dinice & Sullivan. Petition for Writ of Certiorari. 94-1762. Denied by United States Supreme Court.

SUPPLEMENTARY APPENDIX, MORETTI v. DINICE, ET AL. PETITION FOR WRIT OF PROHIBITION , TABLE OF CONTENTS.

10. App. 19. December 2, 1994. Moretti v. Dinice & Sullivan, United States Court of Appeals, Third Circuit No. 93-5581. Judgment of Trial Court (93-528) Affirmed.
11. App. 20. December 10, 1995. Moretti v. Dinice & Sullivan, United States Court of Appeals, Third Circuit No. 95-5732, 95-5754, 95-843. Motion to Consolidate Denied.
12. App. 21. October 12, 1995. Moretti v. Dinice & Sullivan, United States Court of Appeals, Third Circuit, Notice by Court of Appeals to Clerk Walsh of Newark Federal District District to File Notice of Appeal.
13. App. 23 October 27, 1995. Moretti v. Dinice & Sullivan, United States District Court 93-528, Filing Fee Receipt provided by United States District Court in Newark.
14. App. 24. October 31, 1995. Moretti v. Dinice & Sullivan, United States District Court notified Court of Appeal Filing Fee Paid.
15. App. 25. October 31, 1995. Moretti v. Dinice & Sullivan, United States Court of Appeals, Third Circuit No. 95-5754. Record of Case Transferred to Court of Appeal.
16. App. 26. Moretti v. Dinice & Sullivan, United States Court of Appeals, Third Circuit No. 95-5754. Docketing of Case.
17. App. 30. September 17, 1993. Moretti v. Dinice & Sullivan, Transcript Purchase Order, D.C. 93-528,C.A. 93-5581.
18. App. 32. October 7, 1993 Moretti v. Dinice & Sullivan, Notice by Magistrate Judge Hedges with regard to Scheduling Order, 93-28.

SUPPLEMENTARY APPENDIX, MORETTI v. DINICE, ET AL. PETITION FOR WRIT OF PROHIBITION . TABLE OF CONTENTS.

19. App. 34. October 30, 1996. Docket Sheet Secured from United States District Court in Newark, New Jersey, Case of Moretti v. Dinice & Sullivan.
20. App. 41. August 20, 1996. Notice of the Transmittal of Writ of Prohibition. Moretti v. Dinice. Filed with United States Supreme Court in Washington. D.C.
21. App. 43. Moretti v. Dinice & Sullivan, United States District Court 93-528. Filing Notice of Appeal with the United States Court of Appeal. September 17, 1993.
22. App. 44. Moretti v. Dinice & Sullivan, United States District Court 93-528. Petitioner seeks clarification on Scheduling Order in the Trial Court.October 1, 1993.
23. App. 7. Moretti v. Dinice & Sullivan, United States District Court 93-528. Petitioner appeals from denial of motion to reopen case. October 26, 1995.
24. App. 51. September 26, 1995. Petitioner appeals to Chief Justice Sloviter of the United States Court of Appeal. Third Circuit.
25. App. 54. October 23, 1995. Petitioner Notifies United States District Court and Court of Appeal. Third Circuit. regarding 670 page brief and appendix.
26. App. 56. May 31, 1996 Housing Inspection Report Conducted Jointly by the New Jersey Department of Community Affairs and the Hackensack Department of Community Affairs. of petitioner's apartment building.
27. App. 68. October 10, 1996. Photograph of Petitioner's Automobile Vandalized on Return Date of Trial on abatement of rents on apartment property.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER
AREA CODE 202-479-3011
CLERK OF THE COURT

October 10, 1996

Salvatore Moretti
390 Park Street
Hackensack, NJ 07601

RE: Salvatore Moretti v. Louis J. Dinice

Dear Mr. Moretti:

Returned is your submission received in this office on August 26, 1996.

In order for this case to be docketed, you must submit a supplemental appendix containing the orders issued by the United States District Court. The supplemental appendix must be on 6 1/8 by 9 1/4 inch paper. The covers of the supplemental appendix must be white, and contain the same information as the petition, clearly noting that it is a supplemental appendix, under the title of the paper. Rules 33 and 34.1(f).

Unless the supplemental appendix is received by this office in correct form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

Sincerely,
William K. Suter, Clerk
By Ruth Jones, (202) 479-3022
Enclosures

App. 2

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201)646-1414

August 24, 1996

Clerk of the Court
United States Supreme Court
1 First Street, N. E.
Washington, D. C. 20543

re: IN THE PETITION OF SALVATORE MORETTI; PETITION FOR WRIT OF PROHIBITION MORETTI v. LOUIS J. DINICE, U. S. Court of Appeals for The Third Circuit 95-5754., Case No.

Dear Clerk of the Court:

On August 22, 1996 I hand delivered forty petitions for writ of prohibition to the United States Supreme Court in Washington, D. C. and paid my docketing fee of $300.00 to be placed on the paid docket.

The question asked me at that time was where is the federal district court order appealed from, based on the fact that the federal court of appeals order shown at A1 is based upon the action taken by the district court. I attempted to explain how the matter came about so as to receive my docket number at that time, but the explanation was followed by the statement that I would be notified as to how to proceed.

Upon my return from Washington, I received a phone call on my answering machine from Ruth Jones which requested that I mail to the Supreme Court the federal district order.

I have enclosed a 42 page reply which states what I explained while I was in Washington, that the case was

originally docketed at 93-528 (JCL) (Judge Lifland), but that the case was never heard.

No scheduling order was ever provided (App. 9, App. 12) and as judge Hedges attempts to explain, "given the nature of the dispositive motions which were filed by both defendants. and the basis for judge Lifland's ruling, discovery would have been irrelevant. Contrary to plaintiff's contention that this civil action is 'very much alive,' it was closed on September 14, 1993."

The U. S. Supreme Court denied application No. A-987 for a stay on June 2, 1994 (App. 16). The Court of Appeals affirmed the district court order on December 2, 1994 (App. 17). The U. S. Supreme Court denied the petition for writ of certiorari I filed in appeal from the Court of Appeals Third Circuit on June 19, 1995 (App. 20).

On September 26, and October 26, 1995 (App. 30 & App. 26) I addressed this matter to Chief Justice Sloviter of the third circuit in Philadelphia. By letter (App. 32) of October 12, 1995, Chief Justice Sloviter advised the case was undocketed in the court of appeals, but that there was a clear intent to appeal. The case was docketed as No. 95-5754 (App. 40).

I trust the foregoing answers your question. I am concerned that a clear case in which no action is taken due to the fragmented way in which it has been handled never gets addressed in a court of law. It was for this reason that I moved lo consolidate the three cases - Moretti v. Zisa, Moretti v. State of New Jersey, and Moretti v. Dinice, but the court of appeals denied my motion to consolidate.

The results are obvious, and are set forth in the petition for a writ of prohibition, which I delivered to you on August 22, 1996. Kindly notify me by return mail of the docket no. and provide the requested forms for appearance to be served on my adversaries.

If you will advise how you desire the appendix to me modified reflecting the foregoing, I will be so guided.

App. 4

NOT FOR PUBLICATION
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MORETTI.

CIVIL ACTION 93-528(JCL)

Plaintiff.

v. MORANDUM AND ORDER

DINICE and SULLIVAN.

Defendants.

Lifland. District Judge

Presently before the Court is the motion of defendant. Judge Louis J. Dinice ("Judge Dinice"). to dismiss pursuant to Fed. R.Civ. P. 12(b)(6). Judge Dinice also moves for sanctions pursuant to Fed. R. Civ. P. 11.

Background

Plaintiff. Salvatore Moretti ("Moretti"). filed a Complaint against Judge Timothy J. Sullivan and Judge Dinice. Plaintiff alleges violations of his federal constitutional rights and invokes this Court's jurisdiction pursuant to 42 U.S.C.§ 1983.

The allegations relating to Judge Dinice concern judicial proceedings against Moretti over which Judge Dinice presided. Moretti alleges that Judge Dinice fined him on non-existent causes of action (Complaint at p.53). that Judge Dinice repeatedly postponed Moretti's trial forcing him to spend numerous hours sitting in court before learning that his trial had been postponed (Complaint at pp. 53, 68). that Judge Dinice refused to call any witnesses requested by plaintiff (Complaint at p. 63). and that Judge Dinice refused

to allow the City of Hackensack to respond to interrogatories served upon them by Moretti, the alleged third-party plaintiff. (Complaint at p. 63-664). Moretti also alleges that Judge Dinice had knowledge of and approved of municipal searches of the apartment building owned by Moretti which allegedly resulted in steel doors of the apartment building being broken. (Complaint at 59-60). Moretti also contends that Judge Dinice allowed tenants of the apartment building to withhold their rents and pay their rents directly into the municipal court, causing plaintiff to lose rents (Complaint at p. 61).

Moretti further alleges that Judge Dinice jailed Moretti on two occasions, August 17, 1992 and December 3, 1992. (Complaint at p. 61, 64). Moretti contends that Judge Dinice did not have probable cause when he caused plaintiff to be arrested on August 17, 1992. (Complaint at p. 62). Plaintiff further alleges that his incarceration in the Bergen County Jail Annex prevented plaintiff from appearing before the Superior Court on other matters, thereby allegedly depriving plaintiff of his Fifth Amendment right to trial.(Complaint at 62). Moretti contends that Judge Dinice's decision to incarcerate Moretti on December 3, 1992 was a result of Judge Dinice's learning that .Moretti intended to appeal the water case. (Complaint at p. 32 & 64). This incarceration allegedly prevented Moretti from attending a pre-trial conference in Superior Court on December 4, 1992, thereby allegedly depriving him of his Fifth Amendment right. (Id.)

Discussion

A motion to dismiss pursuant to Fed. R.Civ. P. 12(b)(6) may be granted only if accepting all well-pleaded allegations in the Complaint as true, and viewing them in the light most favorable to plaintiff, plaintiff is not entitled to relief. Bartholomew v. Fischl, 782 F.2d 1148, 1152 (3d Cir. 1986); Angelastro v. Prudential - Bache Securities Inc. 764 F.2d 939, 944 (3d Cir.), cert. denied 474 U.S. 935 (1985). "The

issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claims." Scheuer v. Rhodes, 416 U.S. 232, 236 (1974). In setting forth a valid claim, a party is required only to plead "a short plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a). Additionally, the court holds allegations contained in pro se complaints "to less stringent standards than formal pleadings drafted by lawyers." Haines v. Kerner, 404 U.S.519, 520 (1972)(per curiam).

Plaintiff's Complaint fails to state a claim upon which relief can be granted as to Judge Dinice because he is absolutely immune from damage claims pertaining to acts he performed as a judicial officer. See Stump v. Sparkman, 435 U.S. 349, 355-56 (1978); Bradley v. Fisher, 80 U.S. (13 Wall.) 335, 347 (1872); Turack v. Guido, 464 F.2d 535, 536 (3d Cir. 1972); Robinson v. McCorkle, 462 F.2d 111, 113-14 (3d Cir.), cert. denied, 409 U.S. 1042 (1972); Gambrell v. Hess, 777 F. Supp. 375, at 380-81 (D.N.J. 1991), aff'd, 970 F.2d B98 (3d Cir.), cert. denied, 113 S.Ct. 272 (1992). In Pierson v. Ray, 386 U.S. 547, 553-54 (1967), the Supreme Court described the breadth of the immunity accorded judges and explained the reasons underlying this rule of immunity, as follows:

"Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their judicial jurisdiction, as this Court recognized when it adopted the doctrine, in Bradley v. Fisher ... This immunity applies when the judge is accused of acting maliciously and corruptly, and it is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence and without fear of consequences. It is a judge's duty to decide all cases within his jurisdiction that are brought before

him, including controversial cases that arouse the most intense feelings in the litigants. His errors may be corrected on appeal, but he should not have to fear that unsatisfied litigants, may hound him with litigation charging malice or corruption. Imposing such a burden on judges would contribute not to principled and fearless decision-making but to intimidation. (citations omitted).

In the instant matter, it is clear that all of..the allegations against Judge Dinice relate to actions taken in his capacity as a Hackensack Municipal Court judge. Therefore, the Court will dismiss the Complaint against Judge Dinice.

Plaintiff appears to allege that Judge Dinice acted maliciously and corruptly. However, Pierson holds that the doctrine of absolute judicial immunity applies even if a judqe is accused of acting maliciously and corruptly. 386 U.S. at 554.

Plaintiff's case, at least in part, is based upon Judge Dinice's alleged failure to hear Moretti's case due to repeated postponements, and upon Judge Dinice's alleged failure to call any witnesses requested by Moretti. However, a judge is immune for both affirmative acts and omissions which occur throughout judicial proceedings. See, e.g., Decker v. Hillsborough County Attorney's Office, 845 F.2d 17, 21 (lst Cir. 1988) (holding that a Judge who failed to rule on various motions before the court was immune).

Judge Dinice moves for sanctions pursuant Fed. R. Civ. P. 11. Under Fed. R. Civ. P. 11 "the signature of an attorney or party constitutes a certificate by the signer that the signer has read the plead ing, motion or other paper; that to the best of the signer's knowledge it is well grounded in fact and warranted by existing law or a good faith argument for the extension, modification or reversal of existing law." The Court may take 2into account the fact that plaintiff is pro se. Maduakolam v. Columbia University, 866 F.2d 53, 56 (2nd Cir. 1989); See alsoHaines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam) (pro se complaints are to be held "to less

stringent standards than formal pleadings drafted by lawyers."). In Clark v. Green, 814 F.2d 221, 223 (5th Cir 1989), the plaintiff, proceeding pro se, was sanctioned by the Fifth Circuit for appealing a decision rendered by the District Court which alerted the plaintiff that his claim was frivolous. While Moretti has not received such a warning, his conduct in bringing this totally meritless suit warrants sanctions, even considering Moretti's pro se status.Mr. Moretti has stated that he is a law school graduate. (Complaint p.80). Thus, he had the tools necessary to conduct a reasonable search as to the applicable law, which he chose not to do. The slightest effort at legal research as to the viability of a suit against a sitting judge for judicial rulings would have informed Moretti that his claim was frivolous, as would the slightest inquiry. The Court is thus satisfied that Moretti chose to burden Judge Dinice, and thereby this Court, with this litigation out of malice generated by Judge Dinice's actions, rather than out of concern for Moretti's constitutional rights. Accordingly,

IT IS on this 13th day of September 1993, ORDERED that plaintiff's Complaint against Judge Dinice is dismissed; and

IT IS FURTHER ORDERED that Judge Dinice's motion for sanctions is granted. Counsel for Judge Dinice shall submit a certification as to costs incurred in defending Judge Dinice.

John C. Lifland
United States District Judge

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

FILED OCT 01, 1993,WM.T WALSH

SALVATORE MORETTI, CIV.ACTION 93-528 (JCL)

Plaintiff,

v.

LOUIS J. DINICE and

TIMOTHY J. SULLIVAN,

Defendants.

MEMORANDUM AND ORDER

Lifland, District Judge

The Court is in receipt of a letter from plaintiff Salvatore Moretti ("Moretti") dated September 14, 1993. The Court will treat the letter as a notice of motion for reargument of this Court's Memorandum and Order filed August 4, 1993 dismissing the Complaint against Judge Sullivan under the doctrine of judicial immunity, and the Memorandum and Order filed September 13, 1993 dismissing the Complaint against Judge Dinice under the doctrine of judicial immunity. The Court will deny the motion for reargument..

Local Rule 12N provides that a motion for reargument shall be served and filed within l0 days after the entry of the order on the original motion by the Judge. The moving party shall also submit a brief setting forth concisely the matters or controlling decisions which he believes the Judge has overlooked.

The Court filed its Memorandum and Order dismissing the Complaint against Judge Sullivan on August 4, 1993. Moretti's motion for reargument was dated September 14, 1993 and was filed September 20, 1993. Since Moretti filed his motion for reargument of the Memorandum and Order concerning Judge Sullivan more than 10 days after it was

filed. the motion was untimely. and the Court will deny Moretti's motion for reargument as to Judge Sullivan.

Furthermore. Moretti has not set forth any specific facts or controlling law which he claims this Court overlooked in its Memoranda and Orders of August 4. 1993 and September 13. 1993.The Court has already dismissed Moretti's claims against Judge Sullivan and Judge Dinice under the doctrine of judicial immunity. Since Moretti has presented no specific issues which he alleges-this Court overlooked in deciding his previous motions. the Court will deny his motion for reargument as to Judge Dinice and Judge Sullivan.

Accordingly.

IT IS on this 30th day of September 1993 ORDERED that Moretti's motion for reargument is denied.

John C. Lifland
United States District Judge

LePORE, Zimmerer & LePore
Park 80 West, Plaza One
Saddle Brook, New Jersey 07663
Telephone No. (201) 845-7077
Attorney for Defendant-Respondent, Louis J. Dinice

filed Aug. 10, 1995
WILLIAM T WALSH
CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF NEWARK

SALVATORE MORETTI,
Plaintiff-Petitioner,
vs.
LOUIS J. DINICE and TIMOTHY J. SULLIVAN,
Defendants-Respondents

HONORABLE JOHN C. LIFLAND,U.S.D.J.
CIVIL LITIGATION NO. 93-0528 (JCL)
AMENDED ORDER

This matter having originally come to be heard on mandate from the United States Court of Appeals for the Third Circuit dated December 2, 1994 ordering and adjudging that the judgment of this Court be affirmed, and taxing costs against plaintiff-appellant Salvatore Moretti in the amount of $109.40 in favor of defendant-appellee Honorable Timothy J. Sullivan, J.S.C., and taxing costs against plaintiff-appellant Salvatore Moretti in the amount of $54.80 in favor of defendant-appellee Louis J. Dinice and re-opened to the Court by the firm LePore, Zimmerer & LePore, attorneys for defendant, Louis J. Dinice; IT IS on this 10th day of August, 1995:

ORDERED that the judgment of this Court is affirmed; and IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P 39(e), costs are taxed against plainitiff-appellant Salvatore

Moretti and in favor of defendant-appellee Honorable Timothy J. Sullvan, J.S.C., in the amount of $109.40; and

IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P. 39(e), costs are taxed against plaintiff-appellant Salvatore Moretti and in favor of defendant-appellee Louis J. Dinice in the amount of $54.80, and that pursuant to Fed. R. Civ. P. 11, sanctions in the amount of $1,613.65 imposed against plaintiff, Salvatore Moretti.

(s) John C. Lifland, U.S.D.J.

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Sept. 18, 1995

SALVATORE MORETTI WILLIAM T. WALSH

Plainitiff CLERK

CIVIL ACTION NO.. 93-528(JCL)

V. MEMORANDUM AND ORDER

LOUIS J. DINICE, et al.

Defendants

Lifland, District Judge

Plaintiff, pro se, has moved the Court to re-open the above captioned case. In his Complaint, plaintiff asserted civil rights claims under 42 U.S.C. 1983 against two New Jersey judges, Judges Dinice and Sullivan, based on conduct undertaken in their official capacities. The claims against both defendants were dismissed pursuant to Fed. R. Civ. P. 12(b)(6) on August 4, 1993 and September 13, 1993. In conjunction with each dismissal, plaintiff was sanctioned under Fed. R. Civ. P. 11. The Court found that plaintiff's claims were frivolous, motivated by malice concerning the defendants' judicial rulings, and not based on legitimate concern for plaintiff's constitutional rights. Before filing this motion, plaintiff appealed the dismissals to the Third Circuit, which affirmed this Court's judgment on December 28, 1994. Moretti v. Dinice, 46 F.3d 1117 (3d Cir. 1984)(sic). Plaintiff subsequently petitioned the Supreme Court of the United States for Writ of Certiorari. The Court denied the petition on June 19, 1995. Moretti v. Dinice, 115 S.Ct. 2580 (1995).

In support of his motion, plaintiff has submitted a copy of a lengthy brief recently filed in a separate matter in the Superior Court of New Jersey, Appellate Division. Plaintiff requests that this Court review the brief and reconsider the above captioned case in light of the facts revealed therein. In

particular, plaintiff argues that his case should be reopened because the motion to dismiss was decided without oral argument, a procedure authorized by Fed. R. Civ. P. 78. In short, plaintiff seeks reevaluation of the merits of his claim.

The Federal Rules of Civil Procedure do not provide a mechanism for a district court to reopen a case that has been closed and affirmed on appeal. The form of relief that most closely resembles what plaintiff seeks is relief from judgment under Fed. R. Civ. P. 60(b). Accordingly, the Court shall treat plaintiff's motion as such. Rule 60(b) permits a district court to provide relief from a judgment or order, within one year of entry, on the basis of mistake, evidence unavailable at the time of judgment, fraud, or "any other reason." Fed. R. Civ. P. 60(b). Plaintiff does not al:lege that the facts presented in the brief he now submits were unavailable at the time this Court dismissed his Complaint. Even if this were the case, the allowable time for a Rule 60(b) motion has long since passed. In light of the sanctions imposed by this Court, the Third Circuit's affirmance, and the Supreme Court's decision not to review the case, it should be perfectly clear to plaintiff at this point that his claims against defendants Dinice and Sullivan have no merit under the law.

Accordingly, IT IS on this 18th day of September, 1995 ORDERED that plaintiff's motion to re-open, treated as a motion for relief from judgment under Fed. R. Civ. P. 60(b), is DENIED WITH PREJUDICE.

(s) John C. Lifland
United States District Judge

DEBORAH T. PORITZ
Attorney General of New Jersey
Attorney for Defendant Timothy J. Sullivan, J.S.C.
R.J. Hughes Justice Complex
CN 112
Trenton, New Jersey 08625 FILED Jan 9, 1995
WILLIAM T. WALSH, CLERK

By: Patrick DeAlmeida
Deputy Attorney General
(609) 292-8582 PD3425

UNITED STATES DISTRICT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF NEWARK

SALVATORE MORETTI, Plaintiff	) HON. JOHN C. LIFLAND, U.S.D.J.
	Civil Action No.93-0528 (JCL)
v.	) ORDER
LOUISE J. DINICE, et al.,	)
Defendants.	)

This matter having come to be heard on mandate from the United States Court of Appeals for the Third Circuit dated December 2, 1994 ordering and adjudging that the judgment of this Court be affirmed, and taxing costs against plaintiff-appellant Salvatore Moretti in the amount of $109.40 in favor of defendant-appellee Honorable Timothy J. Sullivan, J.S.C., and taxing costs against plaintiff-appellant Salvatore Moretti in the amount of $54.80 in favor of defendant-appellee Louis J. Dinice:

IT IS on this 9th day of January, 1995

ORDERED that the judgment of this Court is affirmed; and IT IS FURTHER ORDERED that pursuant to Fed.

R. Civ. P.39(e), costs are taxed against plaintiff-appellant Salvatore Moretti and in favor af defendant-appellee Honorable timothy J. Sullivan, J.S.C., in the amount of $109.40; and

IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P. 39(e), costs are taxed against plaintiff-appellant Salvatore Moretti and in favor of defendant-appellee Louis J. Dinice in the amount of $54.80.

John C. Lifland. J.U.S.D.J.

SUPREME COURT OF THE UNITED STATES
OFFICF OF THE CLERK
WASHINGTON, DC 20543-0001
Area Code 202 479-3011

WILLIAM K. SUTER
CLERK OF THE COURT

Mr. Robert Zimmerer
LePore Zimmerer & LePore
Park 80 West, Plaza One
Saddle Brook, NJ 07662

June 2, 994

re: Salvatore Moretti v. Louis J. Dinice, et al.
Application No. A-987

Dear Mr. Zimmerer:

The application for a stay in the above-entitled case has been presented to Justice Souter, who on June 2, 1994 endorsed thereon the following:

"Denied DH Souter 2 June 1994"

Sincerely,
WILLIAM K. SUTER, Clerk
Francis J. Lorson
Chief Deputy Clerk

NOTE - FOR YOUR INFORMATION: A copy of this letter has been sent to all interested parties shown on the attached notification list.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

June 19, 1995

Mr. Robert Zimmerer
LePore, Zimmerer & LePore
Park 80 W., PLaza One
Saddle Brook, NJ 07663

Re:: Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, No. 94-1762

Dear Mr. Zimmerer:

The Court today entered the following order in the above entitled case:

The petition for a writ of certiorari is denied.

Sincerely,
William K. Suter, Clerk

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
N0. 93-5581

SALVATORE MORETTI.
Appellant
v.
LOUIS J. DINICE
TIMOTHY J. SULLIVAN

On Appeal From the United States District Court For the District of New Jersey. (D.C. Civil Action No. 93-cv-00528). District Judge: Honorable John C. Lifland Submitted September 6. 1994

BEFORE: STAPLETON. GREENBERG and ALITO. Circuit Judges

JUDGMENT ORDER

After consideration of the contentions raised by appellant. it is

ORDERED AND ADJUDGED that the judgment of the district court entered September 14, 1993. be and is hereby affirmed.

Costs taxed against appellant.

By the Court.
Walter K. Stapleton
Circuit Judge
ATTEST: P. Douglas Sisk. Clerk
Dated Dec. 2. 1994

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT. Nos. 95-5732, 95-5754 & 95-5843

Moretti. v. State of NJ
Moretti v. Zisa
Moretti v. Dinice

To: Clerk

1) Motion by Appellant Pro Se. Salvatore Moretti. to Consolidate the Appeals at Nos. 95-5732, 95-5754 and 95-5843

The foregoing Motion is denied. It is noted that the appeal at No. 95-5732 has been dismissed by the Court for lack of jurisdiction. The appeal at No. 95-5843 will be submitted to the Court for possible dismissal due to a jurisdictional defect. Therefore, consolidation is not appropriate.

For the Court,

P. Douglas Sisk. Clerk

Dated DEC 19, 1995

OFFICE OF STAFF ATTORNEYS
UNITED STATES COURT OF APPEAL
THE WILLIAM J. GREEN, JR. FEDERAL BUILDING
600 ARCH STREET, ROOM 4416
PHILADELPHIA, PA 19106-1790

MARCIA M. WALDRON, Senior Staff Attorney
TELEPHONE (215) 597-2378 October 12, 1995

William T. Walsh, Clerk
United States District Court
District of New Jersey
U. S. Post Office and Courthouse
P.O. Box 419
Newark, NJ 07102

Re: Moretti v. Dinice, et al. (D.N.J. Civ. No. 93-cv-00528)
UNDOCKETED IN COURT OF APPEALS

Dear Mr. Walsh:

This office has received documents from a litigant in the above-entitled case which should be construed as a notice of appeal from an order of the district court entered by Judge Lifland on September 20, 1995.

While not titled "notice of appeal", the documents indicate a clear intent to appeal an 8order of the district court. See Third Circuit Local Appellate Rule 3.4.

These documents should be filed as of October 2, 1995, the date received in the Court of Appeals, pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure.

If the parties consented to trial before a magistrate judge under 28 U.S.C. Section 636(c)(1), with appeal to the court of appeals pursuant to 28 U.S.C. Section 636(c)(3), the notice of appeal should be construed as addressed to the

United States Court of Appeals for the Third Circuit. In all other cases, if the notice of appeal designates an order, judgment or report and recommendation issued by a magistrate judge, the notice of appeal should be construed as addressed to the district court judge. 28 U.S.C. Section 636(b) and Section 636(c)(4). If the appeal is from a magistrate judge's order or report and recommendation, and appellant has already appealed to a district court judge, the appeal must be forwarded to the United States Court of Appeals for the Third Circuit. The Court of Appeals will determine jurisdiction.

These documents are being forwarded solely to protect appellant's right to appeal. Upon receipt of these documents kindly process these documents in the usual fashion. If the district court has already received the same document, it should disregard the enclosed copy to prevent duplication.

Thank you for your cooperation.

Very truly yours, (s) ELIZABETH A. CORMIER,
Supervising Staff Attorney
EAC/zm
Enclosure
cc: Mr. Salvatore Moretti
390 Park Street
Hackensack, NJ 07601

A082 SWEDA(Rev.4/91)

RECEIPT FOR PAYMENT

UNITED STATES DISTRICT COURT

for the DISTRICT OF NEW JERSEY No 202109

AT NEWARK

Fund	
6855XX	Deposit Funds
604700	Registry Funds
	General and Special Funds
508800	Immigration Fees
085000	Attorney Admission Fees
086900	Filing Fees
322340	Sale of Publications
322350	Copy Fees
322360	Miscellaneous Fees
143500	Interest
322380	Recoveries of Court Costs
322386	Restitution to U.S. Government
121000	Conscience Fund
129900	Gifts
504100	Crime Victims Fund
613300	Unclaimed Monies
510000	Filings Spec. Acct.
510100	Registry Admin. Acct.

CASE REFERENCE:

RECEIVED FROM S. Morretti (sic)

Civil 93-528 v. Louis Dinice

333 $100.00; 334 5.00. $105.00

Salvatore Moretti, 390 Park Street, Hackensack, N.J.

10/27/95. DEPUTY CLERK Norma Rodriguez

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which It was drawn.

WHITE: ORIGINAL

YELLOW: DUPLICATE

PINK: TRIPLICATE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
OFFICE OF THE CLERK
Martin Luther King, Jr. Federal Building
and U.S. Courthouse
PO Box 419
Newark, NJ 07101-0419
WILLIAM T. WALSH
Clerk

Date: October 31, 1995

Hon. P. Douglas Sisk
Clerk, U.S. Court of Appeals
for the Third Circuit
21400 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1790

Re: Salvatore Moretti -v- Louis Dinice
USDC Docket No. 93-528 USCA No.

Dear Mr. Sisk:

Please be advised that the filing fee/docket fee was paid on October 27, 1995

Very truly yours
WILLIAM T. WALSH, Clerk

By: Norma Rodriguez Deputy Clerk

*Strike one if necessary.

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THID CIRCUIT
21400 U. S. Courthouse
601 Market Street
Philadelphia PA 19106-1790
P. Douglas Sisk. Clerk. Tel. 215-597-31448

October 31. 1995

Mr. Salvatore Moretti
390 Park Street
Hackensack. NJ 07601

Robert Zimmerer. Esq.
LePore. Zimmerer & LePore
Park 80 West
Plaza One
Saddle Brook. NJ 07662

Re: Moretti vs. Dinice. Docket No. 95-5754

Dear Parties:

We are writing to notify you that pursuant to Rule ll. Fed. R. App. P.. the record ln the above-entitled matter has been transmitted to this Court and has been received as of 10/31/95. This notice is given in accordance with Rule 12(c). Fed. R. App. P.

You will receive a separate notification if and when a Briefing and Scheduling Order is entered in the appeal.

Very truly yours,
P. DOUGLAS SISK. Clerk
By: Debra L. Ruh
Deputy Clerk

App. 26

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

P. Douglas Sisk
Telephone
215-597-3144

21400 United States Courthouse
601 Market Street
Philadelphia PA 19106-1790

October 31, 1995

Mr. Salvatore Moretti
390 Park Street
Hackensack, NJ 07601

RE: Dock.95-5754, Moretti vs. Dinice D.C.No. 93-cv-00528

Dear Mr. Moretti:

We have today docketed the above-captioned case, filed by Salvatore Moretti, as No. 95-5754. This docket number must appear on all documents related to this case which are submitted to this Court

CAPTION: Attached please find a copy of the full caption in this matter taken from the district court docket. Please review this attachment carefully and promptly advise this office in writing of any discrepancies. The caption is as the case was originally docketed unless the district court has specifically ordered otherwise.

N.B. The mere fact that a party has been terminated from the action does not automatically result in the party being deleted from the caption unless the district court has entered an order directing that the caption be so amended.

Please read the following carefully. Each of the following paragraphs identifies a responsibility that must be met immediately.

Failure of the appellant to comply with the following requirement(s) by the date established below will result in DISMISSAL of the case without further notice, pursuant to Third Circuit LAR Misc. 107.

TRANSCRIPT PURCHASE ORDER:
You must complete Part I of the Transcript Purchase Order (TPO) form which you received in the district court clerk's office whether or not you require additional transcript on appeal. The appellant is responsible for serving the various copies of the TPO upon the appellee and the other persons and offices indicated on the reverse side of the form. If a transcript is ordered, the order must be explicit, and financial arrangements, satisfactory to the court reporter, must be made at the time the order is placed. You are also required to notify all parties pursuant to instructions on the TPO form if transcript is
unnecessary. Rule 10(b) of the Federal Rules of Appellate Procedure and Third Circuit LAR 11 contain additional information. If you have any questions concerning transcripts, you should contact our office at the telephone number listed on the back of the TPO form. The Court of Appeal's copy of the TPO must be received in this office by 11/14/95.

FEES STATUS:
Payment of fees is required upon filing a Notice of Appeal from a District Court decision unless you are exempt by order of the Court. All fees are to be paid to the District Court. The following fees are currently unpaid:

$5.00 District Court filing fee
$100.00 Court of Appeals docket fee

If you intend to proceed without paying the fees, it will be necessary for you to file a Motion for Leave to Proceed In

Forma Pauperis with the Clerk of the District Court. Such motion should consist of an original and three (3) copies, together with an affidavit of poverty (form enclosed) which complies with the provisions of 28 U.S.C. Sec. 1746. A copy of your motion must be sent to opposing counsel and this office must be advised in writing that such service has been made.

Fees must be paid, or a motion filed, by 11/14/95. Third Circuit LAR 3.3.

The requirements for the filing of an appearance form, disclosure statement and civil appeal information statement are waived for pro se litigants.

RULES AND PROCEDURES:
The Local Appellate Rules are printed in several federal publications which are available in any law library. The most recent amendments of the Court publications are: Rules, July 1994, and IOP's, March 1991.

Very truly yours,
P. DOUGLAS SISK, Clerk
By: Debra L. Ruh
Deputy Clerk

cc Robert Zimmerer, Esq.

Enclosures:
Affidavit of Poverty Form
Information for Pro Se Litigants
Caption

U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 95-5754

Moretti vs. Dinice

Salvatore Moretti
Appellant

(New Jersey District Civil No. 93-cv-00528)

SERVICE LIST

Mr. Salvatore Moretti
390 Park Street
Hackensack. NJ 07601 201-646-1414

Robert Zimmerer. Esq.
LePore. Zimmerer & LePore
Park 80 West
Plaza One
Saddle Brook. NJ 07662 201-845-7077

TRANSCRIPT PURCHASE ORDER

DISTRICT COURT

SALVATORE MORETTI v. LOUIS J. DINICE, and TIMOTHY J. SULLIVAN

Court of Appeals Docket No 93-5581

DISTRICT COURT DOCKET NO. 93-528(JCL)

Short.Case Title MORETTI v. DINICE & SULIVAN

Date Notice of Appeal Filed by Clerk of District Court 9/17/93

PART I. (fo be completed by party responsible for ordering transcript). NOTE: A SEPARATE FORM IS TO BE TYPED FOR EACH COURT REPORTER IN THIS CASE

A. Complete one of Ihe following and serve ALL COPIES: TRANSCRIPT. None x. ( )Unnecessary for appeal purposes. ( ) Already on file in the D.C Clerk's office. ( ) This is to order a transcript of the proceedings heard on the date listed below from _____ (Name of Court Reporter). (Specify exact date of proceedings). If requesting only partial transcript of proceedings, specify exactly what portion or what witness testimony is desired.. Motion to dismiss granted as to Dinice 9/13/93, and granted as to Sullivan 8/4/93. Oral argument applied for by plaintiff rejected by court, hence no transcript made of proceedings. If proceeding is to be transcribed was a trial also check any appropriate box below for special requests; otherwise; this material will NOT be included in trial transcripts. Voir dire ( ); Opening statement of plaintiff ( ) defendant ( ); Closing argument of plaintiff ( ) defendant ( ); Jury instructions ( )Sentencing Hearings ( )

FAILURE TO SPECIFY IN ADEQUATE DETAIL THOSE P8ROCEEDINGS TO BE TRANSCRIBED, OR, FAILURE TO MAKE PROMPT SATISFACTORY FINANCIAL ARRANGEMENTS FOR TRANSCRIPT, ARE GROUMDS FOR DISMISSAL OF THE APPEAL OR IMPOSITION OF SANCTIONS.

B: This is to certify that satisfactory financial arrangements have been completed with the court reporter for payment of the cost of the transcript. The method of payment will be:

( ) Criminal Justice Act (Attach copy of CJA form 24)

( ) Motion for transcript has been submitted to DC Judge

( ) Private funds

Signature Salvatore Moretti Date 9/27/93

Print Name Counsel for plaintiff pro se.

Telephone (201) 646-1414.

App. 32

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS Of (201) 645-3827 P.O. BOX 999
RONALD J. HEDGES U. S. COURTHOUSE
U..S. MAGISTRATE JUDGE NEWARK, NJ 07101-0999

October 7, 1993

LETTER-ORDER
ORIGINAL FILED WITH THE CLERK OF THE COURT

Salvatore Moretti
390 Park Street
Hackensack, NJ 07601

Robert Zimmerer, Esq.
Lepore, Zimmerer & Lepore
2 University Plaza
Suite 201
Hackensack, NJ 07601

Patrick DeAlmeida, DAG
R. J. Hughes Justice Complex
CN 112
Trenton, NJ 08625

Re: Moretti v. Dinice, et al.
Civil Action No. 93-528
Hon. John C. Lifland, U.S.D.J.

Dear Litigants:

This is in response to the attached correspondence from plaintiff dated October 1, 1993.

Plaintiff contends that he was denied "both discovery and a scheduling order." However, consistent with General Rule

15A.1 an initial conference may be deferred "due to the pendency of a dispositive or other motion." Such a motion was filed by defendant Sullivan. Moreover, given the nature of the dispositive motions which were filed by both defendants and the basis for Judge Lifland's ruling, discovery would have been irrelevant.

Contrary to plaintiff's contention that this civil action is "very much alive," it was closed on September 14, 1993..Accordingly, no scheduling order will issue.

SO ORDERED.

RONALD J. HEDGES
UNITED STATES MAGISTRATE JUDGE

Orig.. Clerk
cc: Hon. John C. Lifland, U.S.D.J.
Addressees
File

U.S. District Court
District of New Jersey (Newark)

CIVIL DOCKET FOR CASE #: 93-CV-528
MORETTI v. DINICE, et al
Assigned to: Judge John C. Lifland
Demand: $700,000
Lead Docket: None
Dkt# in other court: None
Cause: 42:1983 Civil Rights Act
SALVATORE MORETTI
plaintiff
v.
LOUIS J. DINICE
defendant

12BD CLOSED
Filed: 02/01/93
Jury demand: Both
Nature of Suit: 440
Jurisdiction: Federal Question
SALVATORE MORETTI
[COR LD NTC] [PRO SE]
390 PARK STREET
HACKENSACK, NJ 07601
(201) 646-1414

ROBERT ZIMMERER
Below Address Terminated on 11/22/95
[COR LD NTC]
LEPORE, ZIMMERER & LEPORE, ESQS.
PARK 80 WEST, PLAZA ONE
SADDLE BROOK, NJ 07663
201-845-7077

TIMOTHY J SULLIVAN (represented by)
PATRICK DeALMEIDA
defendant [term O8/04/93]
[term O8/04/93] [COR LD NTC]
OFFICE OF ATTORNEY GENERAL
R J HUGHES JUSTICE COMPLEX
CN 112
TRENTON NJ 08625
(609)633-8409

Docket as of October 30, 1996 12:23 pm
Proceedings include all events. 12BD
2:93cv528 MORETTI v. DINICE, et al CLOSED
2/1/93 1 COMPLAINT filed; jury demand FILING FEE $ 120 RECEIPT #
168284 (ja) [Entry date 02/05/93]

2/1/93 2 NOTICE of Allocation and Assignment filed. Magistrate RONALD J. HEDGES (ja) [Entry date 02/05/93]
2/5/93 -- SUMMONS(ES) issued for LOUIS J. DINICE, TIMOTHY J. SULLIVAN (20 Days) (Mailed to PRO SE) (ja)
3/15/93 3 APPLICATION by LOUIS J. DINICE and Clerk's Order extending time to answer. Answer due 3/30/93 for LOUIS J. DINICE (nr) [Entry date 03/18/93]
3/16/93 4 APPLICATION by TIMOTHY J. SULLIVAN and Clerk's Order extending time to answer. Answer due 3/31/93 for TIMOTHY J. SULLIVAN (nr) [Entry date 03/18/93]
3/16/93 5 APPLICATION by TIMOTHY J. SULLIVAN and Clerk's Order extending time to answer. Answer due 3/31/93 for TIMOTHY J. SULLIVAN (nr) [Entry date 03/22/93]

3/30/93 6 ANSWER to Complaint by dft., LOUIS J. DINICE; jury demand (cs) [Entry date 03/31/93]

3/31/93 7 Notice of MOTION to dismiss action by TIMOTHY J. SULLIVAN, proof of service.(brief sub) Motion hearing set for 5/10/93 on [7-1] motion.(nr) [Entry date 04/02/93]

5/4/93 8 RETURN OF SERVICE executed as to LOUIS J. DINICE, TIMOTHY J. SULLIVAN 3/15/93 Answer due on 4/4/93 for TIMOTHY J. SULLIVAN, for LOUIS J. DINICE (nr) [Entry date 05/06/93]

5/10/93 9 Minute entry: Proceedings recorded by Ct-Reporter: L. Johnson; Minutes of: 05.10.93; The following actions were taken, [7-1] motion to dismiss action taken under advisement pursuant to Rule 78. By Judge John C. Lifland (nr) [Entry date 05/11/93)

8/3/93 10 Notice of MOTION to dismiss action for failure to state a claim by LOUIS J. DINICE, TIMOTHY J. SULLIVAN, proof of service.(brief sub) Motion hearing set for 9/13/93 on [10-1] motion.(nr) [Entry date 08/04/93]

8/4/93 11 OPINION AND ORDER granting [7-1] motion to dismiss action and granting motion for sanctions. signed by Judge John C. Lifland) (nr)

8/12/93 12 CERTIFICATION of SALVATORE MORETTI (nr) [Entry date 08 13/93]

8/27/93 13 RESPONSE by LOUIS J. DINICE in opposition to [10-1] motion to dismiss action for failure to state a claim (sr) [Entry date 08/30/93]

9/13/93 14 Minute entry: Proceedings recorded by Ct-Reporter: none; Minutes of: 09.13.93; The following actions were taken, [10-1] motion to dismiss action for failure to state a claim taken under advisement pursuant to Rule 78. By Judge John C. Lifland (nr)

9/13/93 15 OPINION AND ORDER granting [10-1] motion to dismiss action for failure to state a claim as to deft. Judge Dinice and granting motion for sanctions (signed by Judge John C. Lifland) (nr) [Entry date 09/14/93]

9/14/93 -- Case closed (nr)

9/14/93 16 AFFIDAVIT of PATRICK DEALMEIDA (nr) [Entry date 09/15/93]

9/14/93 17 CERTIFICATION of SALVATORE MORETTI (nr) [Entry date 09/15/93]

9/17/93 18 NOTICE OF APPEAL filed at 3:45 by SALVATORE MORETTI Re: [15-1] order. Fee Status: $105.00. Copies of notice of appeal sent to USCA and Attorney(s): Robert Zimmerer, Esq., Patrick DeAlmeida, DAG and Salvatore Moretti, pro se (nr) Entry date 09/20/93]

9/17/93 21 APPLICATION of pltf. for reconsideration of dismissal (nr) [Entry date 09/28/93]

9/20/93 20 LETTER by pltf. re motion for dismissal (nr) [Entry date 09/22/93]

9/22/93 -- Record on appeal sent to U.S. Court of Appeals: [18-1] appeal (ab)

9/28/93 22 LETTER by pltf. with attached exhibits (nr) [Entry date 09/29/93]

10/1/93 23 OPINION AND ORDER denying pltf's motion for reargument (signed by Judge John C. Lifland) (nr) [Entry date 10/04/93]

10/1/93 24 CERTIFICATION of SERVICES RENDERED (nr) [Entry date 10/05/93] [Edit date 10/05/93]

10/4/93 25 NOTICE of Docketing ROA from USCA Re: [18-1] appeal USCA NUMBER: 93-5581(ab) [Entry date 10/06/93]

10/6/93 -- Supplemental record sent to USCA on appeal: [18-1] appeal (nr)

10/6/93 26 Transcript Purchase Order RE: [18-1] appeal no transcript necessary (nr) [Entry date 10/07/93]

10/6/93 27 CERTIFICATE OF SERVICE of copies of TPO (nr) [Entry date 10/07/93]

10/7/93 28 LETTER ORDER denying pltf. request for scheduling order (signed by Magistrate Ronald J. Hedges) (nr) [Entry date 10/OS/93]

10/19/93 29 MEMORANDUM AND ORDER directing pltf. to pay the City of Hackensack sanctions in the amount of $1613.65 within 30 days (signed by Judge John C. Lifland) (nr) [Entry date 10/20/93]

10/27/9330 OPINION AND ORDER directing pltf. SALVATORE MORETTI to pay the sum of $2.780.50 to the State of New Jersey. Division of Law, within 30 days (signed by Judge John C. Lifland) (nr) [Entry date 10/28/93] [Edit date 10/28/93]

12/29/9331 ORDER for DISCOVERY (signed by Judge John C. Lifland) (nr) [Entry date 12/30/93]

2/4/94 -- Second Supplemental record sent to USCA on appeal: [18-1] appeal (nr)

2/28/94 32 LETTER by pltf. re correspondence from Robert Zimmerer (nr) [Entry date 03/Ol/94]

3/17/94 33 Notice of MOTION to enforce litigants rights by LOUIS J. DINICE, proof of service. Motion hearing set for 4/11/94 on [33-1] motion.(nr) [Entry date 03/2l/94]

3/17/94 34 CERTIFICATION of ROBERT ZIMMERER (nr) [Entry date 03/2l/94]

3/24/94 35 CERTIFICATE OF SERVICE of copies of reply to deft.(nr) [Entry date 03/25/94]

4/13/94 36 Copy of CERTIFICATION of SALVATORE MORETTI (nr)

4/13/94 37 LETTER by pltf. in response to motion (nr)

4/13/94 38 CERTIFICATE OF SERVICE of copies of reply (nr)

4/25/94 39 LETTER by deft, for issuance of writ of execution (vm) [Entry date 04/28/94]

4/28/94 -- WRIT of execution issued and recorded in book XX page 18 of execution (USM-NEWARK) (vm)

5/9/94 40 LETTER of pltf. advising the Court that he has petition the the U.S. Supreme Court for a writ of certiorari, etc.(nr) [Entry date 05/11/94]

5/9/94 41 LETTER OPINION AND ORDER granting [33-1] motion to enforce litigants rights; and directing pltf. to appear for a deposition at the office of LePore. 2immerer & LePore (signed by Magistrate Ronald J. Hedges) (nr) [Entry date 05/11/94]

5/9/94 42 Minute entry: Proceedings recorded by Ct-Reporter: none; Minutes of: 05.09.94; The following actions were taken. [33-1] motion to enforce litigants rights taken under advisement pursuant to Rule 78. By Magistrate Ronald J. Hedges (nr) [Entry date 05/11/94]

5/16/94 43 Certified Copy Of Order from the USCA. Re: denying request for stay and referring question of jurisdiction to merits panel (nr) [Entry date 05/17/94]

6/20/94 44 WRIT of Execution returned unexecuted (nr) [Entry date 06/21/94]

6/24/94 45 WRIT of Execution returned served on 6/9/94(vm)

12/28/94 46 ORDER on Mandate from USCA affirming the decision of USDC with appellant costs.(nr) [Entry date 12/29/94]

1/9/95 47 ORDER on mandate awarding $109.40 in favor of Timothy J. Sullivan J.S.C. and for $54.80 in favor of Louis J. Dinice and all against Salvatore Moretti (signed by Judge John C. Lifland) n/m (nr) [Entry date 01/10/95]

4/5/95 48 LETTER by pltf. in opposition to deft's request to amend an order (nr) [Entry date 04/06/95]

8/2/95 52 LETTER by pltf. with attached exhibits (nr) [Entry date 09/21/95]

8/10/95 49 AMENDED ORDER on Mandate amending order of 1/10/95 to include sanctions in the amt of $1,613.65 in favor of dft/appellee, Louis J. Dinice and against appellant Salvatore Moretti (Lifland) n/m (nr) [Entry date 08/11/95] [Edit date 08/14/95]

8/22/95 50 LETTER by pltf. re motion for dismissal (nr) [Entry date 08/24/95]

9/18/95 51 OPINION AND ORDER denying pltf's motion to re-open action (signed by Judge John C. Lifland) n/m (nr) [Entry date 09/20/95]

10/2/95 53 NOTICE OF APPEAL filed at by SALVATORE MORETTI Re:. Copies of notice of appeal sent to USCA and Attorney(s): SALVATORE MORETTI, PATRICK DeALMEIDA, ROBERT ZIMMERER (nr) [Entry date 10/19/95] [Edit date 10/27/95]

10/27/95 - Record on appeal sent to U.S. Court of Appeals: [53-1] appeal (ab)

10/27/95 54 Transcript Purchase Order RE: [53-1] appeal - no transcript necessary (nr)

10/27/95-- Supplemental record sent to USCA on appeal: [53-1] appeal Docket as of October 30,199612:13 pm Page 5

11/3/95 NOTICE of Docketing ROA from USCA Re: [53-1] appeal USCA NUMBER: 95-5754(ab)

3/22/96 56 Certified Copy Of Order from the USCA granting motion of Robert Zimmerer, Esq., ccunsel for Honorable Louis J. Dinice in (USCA No.93-5581) for Attorneys' Fees and Expenses in the amt of $8496.09(cs) [Entry date 03/28/96]

7/2/96 57 ORDER on Mandate from USCA dismissing appeal for failure to timely prosecute (nr) [Entry date 07/03/96]

App. 41

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

August 20,1996

Clerk of the Court
United Sates Supreme Court
1 First Street, N. E.
Washington, D. C. 20543

re: IN THE PETITION OF SALVATORE MORETTI PETITION FOR WRIT OF PROHIBITION, MORETTI v. LOUIS J. DINICE, U. S. Court of Appeals for the Third Circuit 95-5754,, Case No.

Dear Clerk of the Court:

Enclosed find my preliminary mailing of the forty petitions for Writ of Prohibition as above captioned. I am sending this advance notification due to scheduling problems-several rolls of film depicting the material within the petitions were returned blank.

The petitions require recognition that the May 13,1996 Inspection Report and Orders of the Commissioner of the New Jersey Bureau of Housing Inspection consist of thirteen pages (attached hereto) and contained a damage report encompassing over $20,000 of repairs, which were to be completed in 60 days.

The apartments were rented in excellent condition to the current tenancy just two years ago, but under the mistaken belief tenants could realize rent reductions through destruction of their apartments.

Tenants, and their guests (all of whom are unknown to me in that the tenants do not speak a language with which I am familiar) changed locks, removed plumbing, do make shift repairs, erected wall dividers, strung up electric wiring, broke windows, caused numerous smoke alarm alerts, caused numerous main sewer line back-ups, dumped raw sewage into the crawl-space by removing plumbing, destroyed ceramic walls in the bathrooms, removed fixtures with tools they owned, and so forth. This interfered with maintenance.

The Hackensack rent control ordinance requires that a maximum of 60% of gross be apportioned to maintenance as a maximum, but this has not prevented either the assessment of the property too high, nor the requirements for maintenance repairs which are confiscatory.

Meanwhile, the water company issued a shut off notice based on consumption of water in excess of 825,000 gallons of water for the last quarter, reflecting usage of 600 gallons of water consumed per rented apartment (there is over a 35% vacancy factor). No explanation was given as to who could have used that much water. My estimate is use of 60 gallons of water per day. The Hackensack Water Co. (a.k.a. United Water) case was heard by Louis J. Dinice, the respondent within, who found the billing justified. This water company does water searches (bill verification) for the city, thereby removing the possibility of independent auditors' reports.

The additional booklets comprising the 40 bound volumes as per rule 33 will be shipped immediately.

Very truly, (s) .Salvatore Moretti

enc.

cc: Clerk of the Hackensack Municipal Court
Hackensack Municipal Prosecutor Henry J. Amoroso

App. 43

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

September 17, 1993

United States District Court of
United States Court House and
Post Office Building
Newark, New Jersey 07102

U. S. Court of Appeals
21400 U. S. Courthouse
601 Market Street
Philadelphia, Penn. 19106

re: Filing of Notice of Appeal in the .Case of Salvatore Moretti vs. Louis J. Dinice, and Timothy J. Sullivan, District Court Case Number 93-52 (JCL)

Dear Sirs:

There were no trial transcripts to order below in the trial court since the defendants filed motions to dismiss and there was no oral argument allowed at those hearings - they were decided on the papers alone.

In the companion case of 92-CV-4206 (HAA) C. A. No. 93-5416, this also occurred, resulting in no transcript to be ordered. In effect, the trial court ruled in both matters that there was no right to trial since the defendants were either immune from suit or for such other reasons as will emerge. I opposed these rulings and demanded oral argument but to no avail.

Very truly (s) Salvatore Moretti

cc Patrick DeAlmeida DAG
Robert Zimmerer Esq

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

October 1, 1993

Magistrate Ronald J. Hedges
United States District Court
U. S. Post Office & Court House
Newark, New Jersey 07101

Clerk - The U. S. District Court
Dictrict Court of New Jersey
U. S. Post Office & Court House
Newark, New Jersey 07101

Re: Salvatore Moretti vs. Louis J. Dinice, and Timothy J. Sullivan, Case Number 93-528 (JCL)

Dear Magistrate Hedges & Clerk of the Court:

I have received correspondence from both Patrick DeAlmeida Deputy Attorney General on behalf of defendant Timothy Sullivan (dated September 29, 1993), and Robert Zimmerer on behalf of defendant Louis Dinice to the effect that there is "no need for a scheduling order at this time." There is need since the order(s) issued in the above captioned matter are not dispositive of the issues raised in the complaint.

I set forth the following reasons for this as follows:

1. There has been no pretrial conference. Fed. R. Civ. P. 16(b) states that a scheduling order is to issue no more than 120 days after the filing of the complaint. No scheduling order has been issued. As a result, there is no mention of what the issues are for trial, what discovery is required, etc. There has been no trial or discovery, yet both are needed.

2. The court received my letter dated September 14, 1993, and thought it to be a "notice of motion for reargument of this Court's Memorandum and Order filed August 4, 1992 dismissing the Complaint against Judge Sullivan under the doctrine of judicial immunity. The court will deny the motion for reargument In fact, the motion was a motion for new trial under Fed. R. Civ. P. 59(b). The underlying litigation, 92-4206 (HAA) had been appealed to the Court of Appeals, and reliance upon its dismissal was inappropriate. The judgment of the court was void under Fed. R. Civ. P. 6(b).

3. The court believed it possible to try the case against the defendants piecemeal, first Sullivan, the Superior Court Judge, then Dinice, the municipal court judge. By denying both discovery and a scheduling order, the court induced surprise, avoiding the requirement for a jury trial which was demanded in the complaint, and foregoing my right to a civil-rights trial. Hence, my letter was a Motion for Relief .

4. By-passing a pretrial conference, Zimmerer and DeAlmeida have tried the case outside of the jury's hearing, found the jury incompetent to hear the case, relied upon matters dehors the record by referring to the prior dismissal of Moretti v. Zisa, et al., 92-4206(HAA), and then under the guise of a Motion for Dismissal Fed. R. Civ. P. 11 & 12(b) have in fact proceeded to a motion

for summary judgment, without any of the hearing requirements of answering the questions set forth in the moving papers of the plaintiff. Now after both defendants have stated amounts of the sanctions under Fed. R. Civ. P 11, the claim has been made that the matter has not been disposed of in all its minutiae. Hence, the Court of Appeals questions their jurisdiction under the facts pattern set forth in voluminous papers before it in both Moretti v. Zisa et al, 92-4206 (HAA), and the matter within, Moretti v. Dinice and Sullivan, 93-528(JCL), preventing appeal to the reviewing court.

For the reasons set forth above, I believe the scheduling order is very much alive in the trial court, for it would clarify and give meaning to the essentially arid legalistic formulae reducible to the gloss - a sitting judge can do no wrong, and correspondingly, no harm.

Very truly, (s) Salvatore Moretti

cc: John D. Lifland, J.U.S.D.C.
United States District Court
U. S. Court House
Newark, New Jersey 07101

Robert Limmerer, Esq.
LePore, Zimmerer & LePore
Park 80 West Plaza One
Saddle Brook, New Jersey 07662

Patrick DeAlmeida, D. A. G.
State of New Jersey, Dept. of Law & Public Safety
Division of Law
Richard J. Hughes Justice Complex
CN-112
Trenton, New Jersey 08625-0112

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

October 26, 1995

Dolores K. Sloviter, Chief Justice
U. S. Court of Appeals for the Third Circuit
21400 U. S. Courthouse
601 Market Street
Independence Mall West
Philadelphia, Pennsylvania 19106

Office of Staff Attorneys
United States Court of Appeals
The William J. Green, Jr. Federal Building
600 Arch Street, Room 4416
Philadelphia, Pennsylvania 19106-1790

William T. Walsh, Clerk
United States District Court
Martin Luther King Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07101

re: Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, D.C. No. 93-528, Filing Appeal to the U. S. Court of Appeals, Appeal from Denial of Motion to Re-Open Case

Dear Clerk of the Court:

By letter of October 12, 1995, Elizabeth A. Cormier, Supervising Staff Attorney, the United States Court of

Appeals for the Third Circuit, wrote to you with regard to the above case, stating:

"This office has received documents from a litigant in the above-entitled case which should be construed as a notice of appeal from an order of the district court entered by Judge Lifland on September 20, 1995.

"While not titled "notice of appeal", the documents indicate a clear intent to appeal an order of the district court. See Third Circuit Local Appellate Rule 3.4.

"These documents should be filed as of October 2, 1995, the date received in the court of Appeals, pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure.

"If the parties consented to trial before a magistrate judge under 28 U.S.C. Section 636(c)(1), with appeal to the court of appeals pursuant to 28 U.S.C. Section 636(c)(3), the notice of appeal should be construed as addressed to the United States Court of Appeals for the Third Circuit. In all other cases, if the notice of appeal designates an order, judgment or report and recommendation issued by a magistrate judge, the notice of appeal should be construed as addressed to the district court judge. 28 U.S.C, Section 636 (b) and Section 636(c)(4). If the appeal from a magistrate judge order or report and recommendation, and appellant has already appealed to a district court judge, the appeal must be forwarded to the United States Court of Appeals for the Third Circuit. The Court of Appeals will determine jurisdiction.

"These documents are being forwarded solely to protect appellant's right to appeal. Upon receipt of these documents, kindly process these documents in the usual fashion. If the district court has already received the same document, it should disregard the enclosed copy to prevent duplication."

Thank you for your cooperation.
(s) ELIAZABETH A. CORMIER, Supervising Staff Attorney

I sent the 670 page brief and appendix (said case currently pending in the New Jersey Supreme Court, 41,120), to three judges. Judges Harold A. Ackerman in the case of Moretti v.Zisa. et al., 92-4206 (HAA), Judge Lifland in the case of Moretti v. Dinice et al. 93-528. and Judge Bissell in the case of Moretti v. State of New Jersev, et al. 94-6347. The 670 page brief and appendix was served on the Clerk of the Court as well in each of the three cases to be filed as part of the record.

I am submitting the filing fee and docketing fee totaling $105.00 in the case of Salvatore Moretti v. Louis J. Dinice and Timothv J. Sullivan. D. C. 93-528 (JCL): In an additional case. Moretti v. State of New Jersey. 94-6347. I transmitted the transcript request form duly completed as well as the filing fee and docketing fees totaling $105.00 to the District Court. Court of Appeals, and the appellees (and I received a receipt for the $105 filing fee and docketing fee).

The question. remains whether all three cases should be included in this appeal (Moretti v. Zisa et al., 92-4206 (HAA)). I await your reply.

Very truly. (s) Salvatore Moretti
Plaintiff-Appellant Pro Se

cc. Robert Zimmerer. Esq. (On Behalf of Louis J. Dinice)
LePore. Zimmerer. & LePore, Esqs.
Park 80 West, Plaza One.
Saddle Brook. New Jersey 07662

Deborah T. Poritz, Attorney General of New Jersey

(On Behalf of Timothy J. Sullivan)
State of New Jersey
Department of Law and Public Safety
Division of Law
Richard J. Hughes Justice Complex
25 Market Street
CN 112
Trenton, New Jersey 08625-0112

App. 51

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

September 26, 1995

Dolores K. Sloviter, Chief Justice
U. S. Court of Appeals for Third-Circuit
21400 U. S. Courthouse
601 Market Street
Independence Mall,West
Philadelphia, Pennsylvania 19106

re: Salvatore Moretti v. Louis J. Dinice and Timoth J. Sullivan, D.C. No. 93-528, C.A. No. 93-5581, Sup. Ct. No. 94-1762. Motion to Re-Open Based Upon 670 Pg. Brief & Appendix. Filed with N. J. Appellate Division, Docket No. A-4913-94-T2

Dear Justice Sloviter:

On September 20, 1995, I received a written memorandum and order from Judge John C. Lifland of the U. S. District Court, in Newark, N. J., attached hereto. Judge Lifland references a "lengthy" 670 page brief and appendix detailing matters involving operation of apartment house property in Hackensack, New Jersey, filed in the N. J. Appellate Division, A-4913-94-T2, submitted July 7, 1995 to the appellate division.

Judge Lifland dismissed my complaint without hearing on the basis of absolute immunity of a sitting judge, Louis Dinice being a municipal judge in Hackensack, as well as a lawyer there. I am a law school graduate.

I received Judge Lifland's order after I was released from jail - I was arrested in my own home on the complaint

of a transient. The transient's complaint was taken despite the fact that she has a long criminal record, including prosecution before the Hackensack municipal court. The transient, Beverly Freeman, was herself arrested on August 30, 1995 in my home due to violation of probation - she was hiding out in my home without notifying probation of her whereabouts. Ms. Freeman had fallen five weeks behind in her rent and she was supposedly moving out - instead she locked me out of my own home, glued keyways shut preventing my re-entry, and complained I was annoying her. The police believed her and on the warrant filed by Beverly Freeman I was arrested and jailed for three days on one thousand dollars bail, no 10%.

I filed my case against Dinice due to mishandling of many problems by him - for example he had me arrested for non-payment of my water bill in the building I myself live in - Park Court Apartments, 391 Park St., Hackensack. I have enclosed my .letter to the water company showing payments for water from Sept. 6, 1994 to Sept. 8, 1995, totaling $18,500. The water company claims I owe them $6,800 more totaling $25,300. Given my water bills were only $900 per year as per the city of Hackensack's own real estate appraiser, this seems excessive. As a result of that appraisal (discussed in my 670 page report), my assessment on a 20 unit (1 bedroom/unit) building was increased $500,000 to $792,000.

While Judge Lifland has not even scheduled a hearing on my case (93-528-JCL) since the day it was filed, I have received mishandling of even routine matters by the defendants, Dinice and Sullivan. Stedtler, my tenant, was arrested in Hackensack and has been in jail for two years. She is currently in prison in Clinton, N. J. (for not reporting to probation). She calls asking for my assistance due to my legal training; I have had difficulty in providing her help in that I too was in jail.

My insurance has gone up to $10. 000 per year. and my bank wants to recall the mortgage, due to the bad neighborhood conditions. As you see. I wrote to the state Attorney General seeking assistance. and now I am writing you. since I believe Judge Lifland has misunderstood the nature of my case. It is unconstitutional to be arrested in your own home and jailed on the unconfirmed allegations of a $7/day transient room renter who has fallen seven weeks behind in her rent. Ms. Freeman has had a 21 year criminal record dating back to her imprisonment in the Edna Mahan Correctional Facility in Clinton. N. J.

Upon her arrest August 30. 1995. Ms. Freeman called me several times from the Bergen County jail as my letter of Sept. 8. 1995 states. and I even visited her in order to assist her in any way I could. She reciprocated by filing a complaint against me for harassment.

Based upon the enclosed materials it should be obvious that Judge Lifland has misunderstood the nature of the problem. As Chief Justice of the Circuit I hope that you may intercede on my behalf in this matter. Given that I was held up and robed of over $7,000 (my rents from Park Court Apartments) in a federally chartered bank. I believe Judge Lifland's memorandum and order is excessive.

Very truly. (s) Salvatore Moretti
enc.

App. 54

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

October 23, 1995

Dolores K. Sloviter, Chief Justice
U. S. Court of Appeals for the Third Circuit
21400 U. S. Courthouse
601 Market Street
Independence Mall West
Philadelphia, Pennsylvania 19106

Office of Staff Attorneys
United States Court of Appeals
The William J. Green, Jr. Federal Building
600 Arch Street, Room 4416
Philadelphia, Pa. 19106-1790

William T. Walsh, Clerk
U. S. District Court
M. L. King Federal Bldg.
50 Walnut Street
Newark, N.J. 07101

Hon. John C. Lifland, .
U. S. District Court
M. L. King Federal Building
Chambers
50 Walnut Street
Newark, N. J. 07101

re: Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, D.C. No. 93-528, C.A. No. 93-5581, Sup. Ct. No. 94-1762, Motion to Re-Open Based Upon 670 Pg. Brief & Appendix Filed with N. J. Appellate Division, Docket No. A-4913-94-T2. Appeal from Denial of Motion to Re-Open Case

Dear Clerk of the Court:

By letter of October 12, 1995, Elizabeth A. Cormier, Supervising Staff Attorney, the United States Court of Appeals for the Third Circuit, wrote to you with regard to the above case, stating:

> This office has received documents from a litigant in the above-entitled case which should be construed as a notice of appeal from an order of the district court entered by Judge Lifland on September 20, 1995.
>
> While not titled "notice of appeal", the documents indicate a clear intent to appeal an order of the district court...
>
> Thank you for your cooperation.
>
> (s) ELIAZABETH A. CORMIER, Supervising Staff Attorney

I sent the 670 page brief and appendix (said case currently pending in the New Jersey Supreme Court, 41,120), to three judges, Judges Harold A. Ackerman in the case of Moretti v. Zisa et al., 92-4206 (HAA), Judge Lifland in the case of Moretti v.Dinice et al. 93-528, and Judge Bissell in the case of Moretti v. State of New Jersey, et al, 94-6347.

Only in one case did the Federal District Court transmit a Transcript Request Form, the case of Moretti v. State of New Jersey, 94-6347. I have transmitted that form duly completed as well as the filing fee and docketing fees totaling $105.00 to the District Court, Court of Appeals, and the appellees. The question remains whether all three cases should be included in this appeal, or whether I should have received the transcript request form in the case of Moretti v. Dinice et al. only.

I await your reply.

Very truly, (s) Salvatore Moretti
Plaintiff-Appellant Pro Se

cc.

DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS
BUREAU OF HOUSING INSPECTION
DATE ISSUED 05/13/96
DATE RE=INSP. - ON OR AFTER 07/13/96.
MORETTI SALVATORE
390 PARK ST
HACKENSACK NJ 07601
INSPECTION REPORT AND ORDERS OF THE COMMISSIONER. 07/13/96
PAGE N0. 1. REGISTRATION NO. 0223-07261-C
APTS* 10
TYPE* MD UNITS
TOTAL* 10
INSPECTOR* FERENCZI
PARK CT APTS BLDG 1
391 PARK ST
HACKENSACK * 0223
BLDG. NO. 001 of 002 BLDGS.

Please take notice that the inspections conducted by the New Jersey Bureau of Housing Inspection at the premises noted above disclose that. violations.exist at said premises in contravention of Hotel and Multiple Dwelling law and of the 'Regulations for the Maintenance of Hotels and Multiple Dwellings" promulgated thereunder. You are hereby ORDERED by the Commissioner to comply with all of the following orders and you are hereby ORDERED by the Commissioner to abate all the violations listed below" by the date of reinspection listed above. Failure to comply with this notice and the Orders of the Commissioner will subject you to a penalty levied by the Department of Community Affairs in accordance with the provisions of the Hotel and Multiple Dwelling Law,

(P.L.1967. C76 as amended and supplemented; N.J.S.A. 55:13A-1 et seq.) Commissioner of Community Affairs By: Curtis F. Watts Chief Bureau of Housing Inspection

LINE NUMBER INSPECTION TYPE CYCLICAL VIOLATIONS CODE CITATIONS

NOTE: IF ANY VIOLATIONS ARE PRECEDED BY A 'P'OR 'M'. REFER TO THE PERMIT INFORMATION AT THE END OF THE REPORT.

ALL CODE CITATIONS ARE PRECEDED BY 5:1. EXCEPT THOSE BEGINNING WITH THE NUMBER 4 WHICH ARE PRECEDED BY 5:18. ANY VIOLATION CITED IN THIS REPORT SHALL BE CORRECTED AND SHALL BE MAINTAINED AND/OR KEPT IN AN OPERATIVE CONDITION AT ALL TIMES PURSUANT TO N.J.A.C. 5:10-1.b AND/OR N.J.A.C 5:18-3.1 ET SEQ.

EXTERIOR LOCATION CODE

1/2 CORRECT IMPROPER DRAINAGE 6.4(B)

2/2 PAINT ALL WOODWORK. 7.3(A)

3/2 PROVIDE LEGIBILE CONSPICUOUSLY DISPLAYED SIGN CONTAINING JANITOR'S NAME. ADDRESS. AND TELEPHONE NUMBER. 11.1(D)

4/2 MAKE EXTERIOR ENTRANCE DOOR TO COMMON CELLAR/STORAGE AREA SELF-CLOSING 19.2(A)

5/2 MAKE EXTERIOR ENTRANCE DOOR TO COMMON CELLAR/STORAGE AREA SELF-LOCKING. 19.2(A)

6/2 M REPAIR STEPS. FRONT 6.4(A)

7/2 M R£PAIR MASONRY WALL FRONT 7.3(A)

8/2 REPAIR NON-INTERRUPTIBLE TO DAWN ILLUMINATION. 13.2(a)

CONTINUED PAGE 2 PLEASE READ REVERSE SIDE FOR ORDERS OF CODES AND STANDARDS

LINE NUMBER	INSPECTION TYPE	CYCLICAL VIOLATIONS	CODE CITATIONS
9/2	REPAIR CONICE	LEFT SIDE	7.3(A)
10/2	PAINT CORNICE	LEFT SIDE	7.3(A)
11/2	REPAIR CELLAR WINDOW	LEFT SIDE	7.3(B)
12/2	REPAR GUTTER	LEFT SIDE	7.5
13/2	REPAIR LEADER TO DIRECT STORM WATER WAY FROM FOUNDATION WALLS.	LEFT SIDE	7.5
14/2	REPAIR AND PAINT SOFFIT	LEFT SIDE	7.3
15/2	REMOVE ALL DEBRIS FROM PREMISES	REAR	6.4(A)
16/2	REMOVE ALL GARBAGE FROM PREMISES	REAR	6.4(A)
17/2	REMOVE ALL WEEDS FROM PREMISES	REAR	6.4(A)
18/2	M REAPIR MASONRY WALL	REAR	7.3(A)
19/2	REPAIR FENCE	REAR	7.3(A)
20/2	REMOVE ALL DEBRIS FROM PREMISES	RIGHT SIDE	6.4(A)
21/2.	REMOVE ALL GARAGE FROM PREMISES	RIGHT SIDE	6.4(A)
22/2	REMOVE ALL WEEDS FROM PREMISES	RIGHT SIDE	6.4(A)
23/2	REPAIR CORNICE	RIGHT SIDE	7.3(A)
24/2	PAINT CORNICE	RIGHT SIDE	7.3(A)
25/2	REPAIR CELLAR WINDOW	RIGHT SIDE	7.3(B)
26/2	REPAIR GUTTER	RIGHT SIDE	7.5
27/2	REPAIR LEADER TO DIRECT SRORM WATER AWAY FROM FOUNDATION WALLS.	RIGHT SIDE	7.5
28/2	REPAIR & PAINT SOFFIT	RIGHT SIDE	7.3
29/2	SECURE CRAWL SPACE	RIGHT SIDE	7.3
	COMMON AREAS		
30/2	REPAIR BUILDING ENTRANCE DOOR		8.4

LINE NUMBER	INSPECTION TYPE	CYCLICAL VIOLATIONS	CODE CITATIONS
31/2 ELIMINATE INTERIOR INFESATION OF INSECTS/RATS/PESTS	ATTIC		10.2
32/2 M REPAIR HANDRAIL FOR FULL LENGTH OF RUN ON EXIT STAIRWAYS WITH THREE OR MORE RISERS.	BASEMENT		4.11
33/2 M REPAIR A.C.POWERED AUTOMATIC FIRE ALRM AND SMOKE DETCTOR SYSTEM	BASEMENT		4.9
34/2 REMOVE RUBBISH AND DEBRIS FROM INTERIOR OF BUILDING	BOILER ROOM		6.4(A)
35/2 M REPAIR A.C. POWERED AUTOMATIC FIRE ALARM AND SMOKE DETECTOR SYSTEM	STAIRWAY		4.9
36/2 REPAIR REPLACE OR REMOVE FLOOR COVERING	STAIRWAY		8.3(A)
37/2 P PROVIDE NON-INTERRUPTIBLE ILLUMINATION SUFFICIENT FOR NORMAL ACTIVITIES.	STAIRWAY		13.3(A)
38/2 P PROVIDE NON-INTERRUPTIBLE ILLUMINATION SUFFICIENT FOR ORMAL ACTIVITIES.	VESTIBULE		13.3(A)
39/2 MAKE BUILDING ENTRANCE DOOR SELF-LOCKING	VESTIBULE		19.2(A)
40/2 MAKE BUILDING ENTRANCE DOOR SELF-LOCKING	VESTIBULE		19.2(A)
UNIT C	FLOOR 001		
41/2 REMOVE ILLEGAL EXTENSION CORDS			13.1(D)
42/2 PAINT WALLS.	BATH		8.2
43/2 PANT CEILING	BATH		8.2
44/2 M REPAIR OR REPLACE TILES	BATH		21.1(E)
45/2 CAULK TILES	BATH		21.1(E)
46/2 REMOVE ILLEGAL LIGHT FIXTURE	BEDROOM 1		13.1

LINE NUMBER INSPECTION TYPE CYCLICAL VIOLATIONS CODE CITATIONS

47/2 M PROVIDE PHOTO- ELECTRIC SMOKE DETECTOR PERMIT REQUIRED IF NOT BATTERY. BLDG HALL 4.9

48/2 PAINT WALLS HALL 8.2

49/2 PAINT CEILING HALL 8.2

50/2 REMOVE ILLEGAL LIGHT FIXTURE LIVING RM 13.1

51/2 IDENTIFY DOOR LIVING RM 18.2

UNIT G FLOOR 001

52/2 PAINT ENTIRE DWELLING UNIT 8.2(C)

953/2 P REPAIR AND REPLACE MECHANICAL VENILATION BATH 16.3

54/2 REMOVE ILLEGAL LIGHT FIXTURE BEDROOM 1 13.1

55/2 M PROVIDE PHOTO ELECTRIC SMOKE DETECTOR PERMIT REQUIRED IF NOT BATTERY. BLDG. HALL 4.9

56/2 REMOVE ILLEGAL LIGHT FIXTURE LIVING ROOM 13.1

UNIT F FLOOR 2

57/2 P RPAIR OR REPLACE MECHANICAL VENTLATION BATH 16.3

58/2 REPAIR OR REPLACE FAUCET BATH 21.1(E)

59/2M PROVIDE PHOTO ELECTRIC SMOKE DETECTOR. PERMIT REQUIRED IF NOT BATTERY. BLDG. HALL 4.9

60/2 IDENTIFY DOOR LIVING RM 18.2

UNIT H FLOOR 2

61/2 INSULATE BATHROOM/TOILET ROOM ELECTRICAL SWITCH. WALL PLATE AND SCREWS BATH 13.3(C)

LINE NUMBER	INSPECTION TYPE	CYCLICAL VIOLATIONS	CODE CITATIONS
62/2 P REPAIR OR REPLACE MECHANICAL VENTILATION	BATH		16.3
63/2 M REPAIR OR REPLCE TILES	BATH		21.1(E)
64/2 CAULK TILES	BATH		21.1(E)
65/2 REMOVE ILLEGAL LIGHT FIXTURE	BEDRM 1		13.1
66/2 M PROVIDE PHOTO-ELECTRIC SMOKE DETECTOR	BLDG. HALL	PERMIT REQUIRED IF NOT BATTERY	4.9
67/2 REMOVE ILLEGAL LIGHT FIXTURE	KITCHEN		13.1
68/2 REPAIR OR REPLACE FAUCET	KITCHEN		21.1(E)
69/2 REMOVE ILLEGAL LIGHT FIXTURE	LIVING RM		13.1
70/2 REMOVE ILLEGAL EXTENSION CORDS	LIVING RM		13.1(D)
UNIT J	FLOOR 002		
71/2 P REPAIR OR REPLACE MECHANICAL VENTILATION	BATH		16.3
72/2 M REPAIR OR REPLACE TILES	BATH		21.1(E)
73/2 CAULK TILES	BATH		21.1(E)
74/2 M PROVIDE PHOTO ELECTRIC SMOKE DETECTOR	BLDG. HALL	PERMIT REQIRED IF NOT BATTERY	4.9
75/2 REPAIR A.C. WIRING	KITCHEN		13.1

NO ADMITTANCE GAINED TO THE FOLLOWING AREAS/UNITS - A. B. D. E. I.

'P' A CONSTRUCTION PERMIT IS REQUIRED FROM THE CONSTRUCTION OFFICIAL...
'M' A CONSTRUCTION PERMIT MAY ORMAY NOT BE REQUIRED CONTINGENT UPON THE EXTENT OF THE REQUIRD WORD TO ABATE THE CITED VIOLATION(S)....
END VIOLATION BLDG. 1
PARK COURT APARTMENTS - BLDG. 2. 395 PARK ST

EXTERIOR	LOCATION	
1/2 PAINT CORNICE		7.3(A)
2/2 M REPAIR ROOF		7.4
3/2 EMOVE ALL DEBRIS FROM PREMISES	LEFT SIDE	6.4(A)
4/2 M REAIR STEPS	LEFT SIDE	6.4(A)
5/2 REMOVE ALL GARBAGE FROM PREMISES	LEFT SIDE	6.4(A)
6/2 REMOVE ALL WEEDS FROM PREMISES	LEFT SIDE	6.4(A)
7/2 PAINT WOOD TRIM	LEFT SIDE	7.3(A)
8/2 PAINT ALL WOODWORK	LEFT SIDE	7.3(A)
9/2 REPAIR GUTTER	LEFT SIDE	7.5
10/2 REPAIR LEADER TO DIRECT STORM WATER WAY FROM FOUNDATION WALLS.	LEFT SIDE	7.5
11/2 SECURE CRAWL SPACE	LEFT SIDE	7.3
12/2 REPAIR FENCE	REAR	7.3(A)
13/2 REMOVE ALL DEBRIS FROM PREMISES	RIGHT SIDE	6.4(A)
14/2 REMOVE ALL GARB-AGE FROM PREMISES	RIGHT SIDE	6.4(A)
15/2 REMOVE ALL WEEDS FROM PREMISES	RIGHT SIDE	6.4(A)
16/2 PAINT WOOD TRIM	RIGHT SIDE	7.3(A)
17/2 M REPAIR MASONRY WALL	RIGHT SIDE	7.3(A)

LINE NUMBER INSPECTION TYPE CYCLICAL
VIOLATIONS CODE CITATIONS
18/2 PAINT ALL WOODWORK RIGHT SIDE 7.3(A)
19/2 REPAIR GUTTER RIGHT SIDE 7.5
20/2 REPAIR LEADER TO RIGHT SIDE 7.5
DIRECT STORM WATER AWAY FROM FOUNDATION
WALLS

COMMON AREAS

21/2 M REPAIR AND PAINT BASEMENT 8.2
CEILING
22/2 M REPAIR HANDRIAL STAIRWAY 4.11
FOR FULL LENGH OF RUN ON EXIT STAIRWAYS
WITH THREE OR MORE RISERS.
23/2 REPAIR . REPLACE STAIRWAY 8.3(A)
OR REMOVE FLOOR COVERING
24/2 MAKE BUILDING VESTIBULE 19.2(A)
ENTRANCE DOOR SELF-CLOSING
25/2 MAKE BUILDING VESTIBULE 19.2(A)
ENTRANCE DOOR SELF-LOCKING

UNIT A FLOOR 001

26/2 REMOVE ILLEGAL BEDROOM 13.1(D)
LIGHT FIXTURES
27/2 M PROVIDE BLDG. HALL 4.
PHOTO ELECTRIC SMOKE DETECTOR. PERMIT
REQUIRED IF NOT BATTERY.
28/2 REMOVE ILLEGAL LIVING RM. 13.1(D)
EXTENSION CORDS
29/2 INSTALL CHAIN GUARD LIVING RM. 19.2(A)
ON ENTRY DOORS

UNIT C FLOOR 001

30/2 REPAIR AND PAINT WALLS. BATH 8.2
31/2 M REPAIR AND PAINT CEILING BATH 8.2
32/2 M REPAIR AND REPLACE BATH 21.1(E)
TILES

LINE NUMBER INSPECTION TYPE CYCLICAL VIOLATIONS CODE CITATIONS

33/2 CAULK TILES BATH 21.1(E)

34/2 M PROVIDE BLDG. HALL 4.9 PHOTO-ELECTRIC SMOKE DETECTOR PERMIT REQUIRED IF NOT BATTERY

UNIT G FLOOR 001

35/2 M REPAIR AND PAINT WALLS BATH 8.2

36/2 M REPAIR AND PAINT CEILING BATH 8.2

37/2 M REPAIR OR REPLACE FLOOR BATH 8.2

38/2 M REPAIR OR REPLACE FLOOR COVERING BATH 8.2

39/2 INSULATE BATHROOM/TOILET ROOM ELECTRICAL SWITCH. WALL PLATE AND SCREWS BATH 13.3(C)

40/2 P REPAIR OR REPLACE MECHANICAL VENTILATION BATH 16.3

41/2 M REPAIR OR REPLACE WASH BASIN IN BATHROOM BATH 21.1(A)

42/2 M REPAIR OR REPLACE TILES BATH 21.1(E)

43/2 CAULK TILES BATH 21.1(E)

44/2 REMOVE ILLEGAL LIGHT WIRING BEDROOM 1 13.1

45/2 M PROVIDE BLDG. HALL 4.9 PHOTO ELECTRIC SMOKE DETECTOR PERMIT REQUIRED IF NOT BATTERY

UNIT I FLOOR 001

46/2 ELIMINATE INTERIOR INFESTATION OF INSECTS/RATS/PESTS 10.2

47/2 M REPAIR AND PAINT CEILING BATH 8.2

LINE NUMBER INSPECTION TYPE CYCLICAL
VIOLATIONS CODE CITATIONS

48/2 P REPAIR OR BATH 16.3
REPLACE MECHANICAL VENTILATION
49/2 M REPAIR OR REPLACE TILES BATH 21.1(E)
50/2 CAULK TILES BATH 21.1(E)
51/2 M PROVIDE BLDG. HALL 4.9
PHOTO-ELECTRIC SMOKE DETECTOR. PERMIT
REQUIRED IF NOT BATTERY
52/2 M REPAIR OR REPLACE KITCHEN 8.2
FLOOR COVERING
53/2 REMOVE ILLEGAL KITCHEN 13.1(D)
EXTENSION CORDS

UNIT B FLOOR 002
54/2 M REPAIR AND PAINT CEILING BATH 8.2
55/2 INSULATE BATH 13.3(C)
BATHROOM/TOILET ROOM ELECTRICAL SWITCH.
WALL PLATE AND SCREWS
56/2 P REPAIR OR REPLACE BATH 16.3
MECHANICAL VENTILATION.
57/2 M REAPIR OR REPLACE TILES BATH 21.1(E)
58/2 CAULK TILES BATH 21.1(E)
59/2 M REPAIR AND PAINT BEDROOM 8.2
CEILING
60/2 M REPAIR AND PAINT KITCHEN 8.2
CEILING
61/2 REPAIR THERMOSTAT LIVING RM 13.1
FOR HEATING UNIT

UNIT D FLOOR 002
62/2 INSULATE BATHROOM/ BATH 13.3(C)
TOILET ROOM ELECTRICAL SWITCH, WALL PLATE
AND SCREWS

LINE NUMBER VIOLATIONS	INSPECTION TYPE	CYCLICAL CODE CITATIONS
63/2 P REPAIR OR REPLACE MECHANICAL VENTILATION	BATH	16.3
64/2 REPAIR OR REPLACE FAUCET	BATH	21.1(E)
65/2 M REPAIR OR REPLACE TILES	BATH	21.1(E)
66/2 CAULK TILES	BATH	21.1(E)
67/2 PAINT WALLS	BEDROOM	8.2
68/2 PAINT CEILING	BEDROOM	8.2
69/2 REMOVE ILLEGAL EXTENSION CORDS	BEDROOM	13.1(D)
70/2 M PROVIDE PHOTO-ELECTRIC SMOKE DETECTOR. PERMIT REQUIRED IF NOT BATTERY	BLDG. HALL	4.9
71/2 M REPAIR OR REPLACE ELECTRICAL LIGHT FIXTURE	KITCHEN	13.1(B)
72/2 REPAIR OR REPLACE FAUCET	KITCHEN	21.1(E)
UNIT H	FLOOR 002	
73/2 INSULATE BATHROOM/ TOILET ROOM ELECTRICAL SWITCH. WALLPLATE AND SCREWS	BATH	13.3(C)
74/2 M REPAIR OR REPLACE TILES	BATH	21.1(E)
75/2 CAULK TILES	BATH	21.1(E)
76/2 M PROVIDE PHOTO-ELECTRIC SMOKE DETECTOR. PERMIT REQUIRED IF NOT BATTERY	BLDG. HALL	4.9
77/2 REMOVE ILLEGAL LIGHT FIXTURE	LIVING ROOM	13.1
78/2 REMOVE ILLEGAL EXTENSION CORDS	LIVING ROOM	13.1(D)

LINE NUMBER INSPECTION TYPE CYCLICAL VIOLATIONS CODE CITATIONS

UNIT J FLOOR 002

79/2 ELIMIANTE INTERIOR 10.2
INFESTATION OF INSECTS/RATS/PESTS
80/2 M REPAIR AND PAINT WALLS BATH 8.2
81/2 M REPAIR AND PAINT CEILING BATH 8.2
82/2 P REPAIR OR BATH 16.3
REPLACE MECHANICAL VENTILATION
83/2 M REPAIR OR REPLACE TILES BATH 21.1(E)
84/2 CAULK TILES BATH 21.1(E)
85/2 PAINT WOODWORK BEDROOM 8.2
86/2 M PROVIDE BLDG. HALL 4.9
PHOTO ELECTRC SMOKE DETECTOR PEMIT
REQUIRED IF NOT BATTERY
87/2 M REPAIR OR REPLACE KITCHEN 8.2
FLOOR COVERING
88/2 M REPAIR OR REPLACE KITCHEN 21.1(E)
PLUMBING FIXTURE WASTE
89/2 REMOVE ILLEGAL LIVING ROOM 13.1
LIGHT FIXTURE
90/2 INSTALL CHAIN LIVING ROOM 19.2(A)
GUARD ON ENTRY DOOR(S)

NO ADMITTANCE GAINED TO THE FOLLOWING AREAS/UNITS: E, F

'P' A CONSTRUCTION PERMIT IS REQUIRED FROM THE CONSTRUCTION OFFICIAL...
'M' A CONSTRUCTION PERMIT MAY ORMAY NOT BE REQUIRED CONTINGENT UPON THE EXTENT OF THE REQUIRD WORD TO ABATE THE CITED VIOLATION(S)....
END VIOLATION BLDG. 2